

GAHC010141262024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

I.A.(Crl.)/637/2024

HEMEN KALITA
S/O LATE KANTESWAR KALITA
R/O VILL- PIPLA (BHARALIPARA)
P.S.-PATACHARKUCHI
DIST- BARPETA
ASSAM

VERSUS

MRITYUNJAY DAS
S/O LATE LABA RAM DAS
R/O NAHATI
BARPETA TOWN
WARD NO. 8
P.S.-BARPETA
DIST- BARPETA
ASSAM

Advocate for : MR SARFRAZ NAWAZ
Advocate for : appearing for MRITYUNJAY DAS

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 23.07.2024

Heard Mr. S.Nawaz, learned counsel for the applicant.

By filing this interlocutory application under Section 389 Cr.P.C., the applicant

has prayed for suspension of sentence and to allow him to remain on previous bail vide the impugned judgment and order dated 28.06.2024 passed by the learned Additional Sessions Judge, Barpeta in Criminal Appeal No.26 of 2023 upholding the judgment and order dated 31.07.2023 passed by the learned Addl.CJM, Barpeta in NI Case No.12/2019 whereby the applicant was convicted under Section 138 of the NI Act and was sentenced to undergo 6 months rigorous imprisonment and to pay compensation of Rs.6,00,000/- (Six Lakhs).

It is submitted by learned counsel for the appellant that learned courts below erroneously held the applicant's legally enforceable debt or liability to be Rupees Three Lakhs despite the evidence being to the contrary.

It is further submitted that 20% of the awarded compensation has already been paid at the time of admission of the appeal before the Sessions Court which was received by the respondent.

On hearing the learned counsel for the applicant and on perusal of the averments made in the application, it is provided that the operation of the sentence passed therein shall remain stayed till disposal of the connected Criminal Revision Petition No. 270/2024.

The applicant is allowed to go on fresh bail **of Rs.30,000/-** with a suitable surety of the like amount to the satisfaction of **learned Addl.CJM, Barpeta**.

The Interlocutory Application stands disposed of.

JUDGE

Comparing Assistant