

GAHC010160252024



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

Case No. : I.A.(CrI.)/742/2024

RABIYAL HUSSAIN @ RABIYAL SK
S/O SHIRAJUL HOQUE SK,
VILL.- POKALAGI,
P.O.- KAMANDANGA, P.S.- TAMARHAT, DIST.- DHUBRI (ASSAM), PIN-
78333.

VERSUS

THE STATE OF ASSAM AND ANR.
REP. BY THE P.P., ASSAM.

2:DULAL AHMED
S/O ABDUL SALAM

VILL.- KHANDAKARPARA
P.O.- JOSHIHATIPARA
P.S.- HOWLY
DIST.- BARPETA
ASSAM
PIN- 781316

Advocate for the Petitioner : MR. M U MONDAL, MD. I H KHAN,MR K ISLAM,MR A ALIM
SK,MR. A W MONDAL

Advocate for the Respondent : PP, ASSAM, MS. N NASRIN (R-2)

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 17.12.2024

- 1.** Heard Mr. M. U. Mondal, learned counsel for the applicant. Also heard Mr. R. R. Kaushik, learned Additional Public prosecutor for the State of Assam and Ms. N. Nasrin, learned counsel for the respondent No.2.
- 2.** The applicant was convicted under Section 376 of the Indian Penal Code as the applicant was maintaining a relationship with a girl. Her brother was not satisfied with his sister's relationship with the applicant.
- 3.** The applicant already married the girl and they are now living happily with their child.
- 4.** The respondent No.2 also submitted that he has no objection if the prayer of the applicant is allowed.
- 5.** Considering all these facts it is hereby directed that the sentence imposed upon the applicant in the Judgment and Order dated 16.05.2024 passed by the learned Additional Sessions Judge-Cum-Special Judge (POCSO), Barpeta in Special (POCSO) Case No.72/2021 shall remain suspended till disposal of the appeal.
- 6.** The applicant Rabiya Hussain @ Rabiya SK shall be released on bail of Rs.20,000/- with a surety of like amount to the satisfaction of learned Additional Sessions Judge-Cum-Special Judge (POCSO), Barpeta.
- 7.** The I.A. stands disposed of.

JUDGE

Comparing Assistant