

GAHC010183932024



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

Case No. : I.A.(CrI.)/852/2024

BHUJYOTI BAISHYA
S/O LATE KANDARPA DAS
VILL AND P.O. KEOTKUCHI
P.S. AND DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:SMTI KHANITA DAS
W/O LATE BHUMESWAR DAS
R/O METUAKUCHI
WARD NO. 19
P.O. AND P.S.-BARPETA
DIST - BARPETA
ASSAM
PIN-78130

Advocate for the Petitioner : MR. R ALI, MR H A AHMED

Advocate for the Respondent : PP, ASSAM,

Linked Case : CrI.Rev.P./330/2024

BHUJYOTI BAISHYA
S/O LATE KANDARPA DAS
VILL AND P.O. KEOTKUCHI

P.S. AND DIST. BARPETA
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W/O LATE BHUMESWAR DAS
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ASSAM

PIN-781301

Advocate for : MR. R ALI

Advocate for : PP

ASSAM appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 24.10.2024

Heard Mr. R. Ali, learned counsel for the applicant. Mr. B. Sarma, learned Public Prosecutor for the State/respondent No.1.

2. This is an application under Section 430 of BNSS, 2023, praying for granting bail by suspending sentence pending revision petition to the applicant against the judgment and order dated 23.07.2024 passed by the learned Additional Sessions Judge, Barpeta, Assam, in connection with Criminal Appeal No. 01/2024, upholding the judgment and order dated 12.12.2023 passed by

the learned Additional CJM, Barpeta in connection with N.I. Case No. 127/2022, wherein the applicant was convicted under Section 138 of N.I. Act and sentenced to undergo RI for four months and to pay fine of Rs.5,00,000/-, in default, SI for two months.

3. The learned counsel for the applicant submits that the applicant had already paid Rs. 1,00,000/- (Rupees One Lakh) at the time of admitting the appeal. Therefore, the applicant may be allowed to remain on previous bail or to go on fresh bail, till disposal of the criminal revision petition.

4. I have considered the submissions made by the learned counsel for the parties as well as perused the judgment of the learned trial court.

5. Considering the sentence imposed by the learned trial court, without further going into the merit of the case, prayer of the applicant is allowed.

6. Accordingly, the applicant, namely Bhujyoti Baishya, shall be released on bail suspending the sentence pending revision petition in connection with N.I. Case No. 127/2022, subject to the following condition :

(i) The applicant shall furnish a bail bond of Rs.20,000/- with one suitable surety of the like amount to the satisfaction of the learned Additional CJM, Barpeta, Assam.

7. The operation of impugned judgment and order 23.07.2024 passed by the learned Additional Sessions Judge, Barpeta, Assam in connection with Criminal Appeal No. 01/2024 and judgment and order dated 12.12.2023 passed by the learned Additional CJM, Barpeta in connection with N.I. Case No. 127/2022,

shall remain stayed till the disposal of criminal revision petition.

8. In view of the above, interlocutory application stands disposed of.

JUDGE

Comparing Assistant