

GAHC010194332024



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

Case No. : I.A.(Crl.)/888/2024 in
Crl. A./267/2023 with
Crl. A./267/2023

SATISH RAY (MANDAL) @ SATISH MANDAL @ SATISH CH RAY
S/O ANANDA MANDAL,
VILL.- KAYAKUCHI GAON, P.O.- NALIGAON, P.S.- BARPETA, DIST.-
BARPETA, ASSAM, PIN- 781352.

VERSUS

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

2:SMTI. MILAN MANDAL
W/O SRI MUNINDRA MANDAL
VILL- KAYAKUCHI GAON
P.O.-NALIGAON
P.S.-BARPETA
DIST- BARPETA
ASSAM
PIN-78135

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

Advocate for the Respondent : PP, ASSAM, MR. S N TAMULI

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

01.10.2024

(SK Medhi, J)

Heard Shri HA Ahmed, learned counsel for the applicant. Also heard Ms. A Begum, learned Addl. Public Prosecutor, Assam as well as Ms. P Deka, learned counsel representing the learned Amicus Curia appearing for the informant.

By this application filed under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), the applicant has prayed for suspension of sentence on medical ground.

On the last occasion i.e. 25.09.2024, this Court had directed to obtain a report from the jail authorities on the medical condition of the applicant.

The learned Addl. PP has presented a report dated 28.09.2024 issued by the Superintendent, District Jail, Barpeta on the health status of the applicant.

Perused the aforesaid report dated 28.09.2024 which does not suggest any serious ailment or immediate surgery and rather, it reflects that medications and voice therapy are presently undergoing by the applicant. The conviction is under the POCSO Act.

Taking into consideration of the facts and circumstances of the case and the medical report, we are of the opinion that no case for suspension of sentence is made out at this stage and accordingly, the application is dismissed.

JUDGE

JUDGE

Comparing Assistant