

GAHC010196832024



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

Case No. : Crl.Pet./1182/2024

VIKASH MITTAL
S/O LATE BHIM RAJ MANDHANIA
R/O GOPAL KUNJ, R.G. CENTRE,
4TH FLOOR, FLAT NO. 4D, D.M. LOHIA ROAD,
P.S. AND DIST. TINSUKIA, ASSAM, PIN-786125

VERSUS

SUNIL VIJAYA
S/O LATE KRISHNA KUMAR VIJAYA
R/O GOKULDHAM, PARBOTIA ROAD, P.O., P.S. AND DIST. TINSUKIA,
ASSAM

Advocate for the Petitioner : MR. A K GUPTA, MR. R K MAHANTA, MR. R S MISHRA
Advocate for the Respondent : ,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

24.09.2024

Heard Mr. A.K. Gupta, the learned counsel representing the petitioner. Also heard Mr. R.J. Baruah, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 528 of the BNSS, 2023 read with Section 438 of the said Code challenging the order dated 17.08.2024 passed by the learned Sessions Judge, Tinsukia in Criminal Appeal No.15(3)/2024.
3. The present petitioner was convicted under Section 148 of the N.I. Act. He was sentenced to undergo rigorous imprisonment for one year and was directed to pay a fine of ₹45,000,00/- with default stipulations.
4. Thereafter, the petitioner filed an appeal being Criminal Appeal No.15(3)/2024 before the Sessions Court at Tinsukia. The petitioner prayed for suspension of the sentence.
5. The appellate court in its order dated 17.08.2024 held that the learned counsel for the appellant did not make any submission regarding financial hardship of the appellant. Therefore, the prayer for suspension of sentence and for releasing the appellant on bail was rejected.
6. I have considered the submissions made by Mr. Gupta in the light of the materials available with the record.
7. Without making any deliberate discussions, this Court hereby directs that the sentence imposed upon the present petitioner by the court of Chief Judicial Magistrate, Tinsukia in N.I. Case No.113/2021 shall remain suspended till disposal of the appeal. The direction asking the petitioner to deposit 20% of the fine amount shall also remain suspended.
8. The Sessions Judge, Tinsukia is directed to dispose of the appeal within next 3(three) months of receiving this order.

With the aforesaid direction, the Criminal Petition stands disposed of accordingly.

JUDGE

Comparing Assistant