

GAHC010206442024



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

Case : I.A.(Crl.)/945/2024

DADU GOHAIN
S/O SRI DHIREN GOHAIN R/O MADHUBAN GAON JURIA DOLONG P.O.
MARANGI P.S. BAGIJAN DIST. GOLAGHAT
ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP
ASSAM

2:SRI SANJIB SAIKIA
S/O LATE KALIA SAIKIA R/O KUSHAL NAGAR P.O. MORAN P.S. MORAN
DIST. DIBRUGARH
ASSAM

Advocate for : MR. T J MAHANTA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

03.10.2024

Heard Mr. T. J. Mahanta, learned Sr. counsel assisted by Mr. A. Borua,
learned counsel appearing for the applicant. Also heard Mr. K. K. Parasara,

learned Additional Public Prosecutor.

This is an application under Section 442/438 of BNSS against the judgment and order dated 04.04.2024 passed by the learned Assistant Sessions Judge, Golaghat in Sessions Case No.208/2014 by convicting the accused petitioner under Section 353/325 IPC and sentenced him to under RI for one year and to pay fine of Rs.5,000/- for the offence under Section 353 IPC and in default of payment of fine, RI for another three months. For the offence under Section 325 IPC, the accused petitioner was sentenced to undergo RI for a period of two and half years with fine of Rs.7,000/-. The appeal was partly allowed by acquitting the accused appellant under Section 353 IPC. However, conviction under Section 325 IPC is maintained.

Learned senior counsel for the applicant has prayed for suspension of sentence during pendency of the Revision Petition.

On the other hand, Mr. Parasar, learned Additional Public prosecutor has made no objection on the prayer of the applicant.

After hearing the learned counsel for both sides and considering the sentence imposed against the applicant, prayer of the applicant is allowed.

Accordingly, the applicant is allowed to go on bail of Rs.30,000/- with a suitable surety of like amount to the satisfaction of learned Assistant Sessions Judge, Golaghat. The operation of impugned judgment dated 04.04.2024 passed by the learned Assistant District Judge, Golaghat in Sessions Case No. 208/2014 and Criminal Appeal No. 11/2024 shall remain suspended till disposal of the Revision Petition.

Accordingly, the Interlocutory Application stands disposed of.

JUDGE

Comparing Assistant