

GAHC010213072024



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

Case : I.A.(Crl.)/1056/2024

CHANDAN NATH AND 4 ORS
S/O LATE KSHITISH CHANDRA NATH
R/O BHAIRABPUR PT-I
P.O.-KALAIN
P.S.-KALAIN
DIST- CACHAR
ASSAM
PIN-788815

2: SABINOY NATH
S/O LATE KSHITISH CHANDRA NATH
R/O BHAIRABPUR PT-I
P.O.-KALAIN
P.S.-KALAIN
DIST- CACHAR
ASSAM
PIN-788815

3: SANJAY NATH @ SANJU
S/O LATE KSHITISH CHANDRA NATH
R/O BHAIRABPUR PT-I
P.O.-KALAIN
P.S.-KALAIN
DIST- CACHAR
ASSAM
PIN-788815

4: SUBRATA NATH @ NIPU
S/O LATE KSHITISH CHANDRA NATH
R/O BHAIRABPUR PT-I
P.O.-KALAIN
P.S.-KALAIN
DIST- CACHAR
ASSAM

PIN-788815

5: AMIT NATH
S/O LATE KSHITISH CHANDRA NATH
R/O BHAIRABPUR PT-I
P.O.-KALAIN
P.S.-KALAIN
DIST- CACHAR
ASSAM
PIN-788815
VERSUS

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

2:SMT. SHOBA RANI NATH
W/O SRI RANJIT NATH
R/O BHAIRABPUR PT-I
P.O.-KALAIN
P.S.-KALAIN
DIST- CACHAR
ASSAM
PIN-788815

Advocate for : MR A B DEY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

11.11.2024

Mr. A. B. Dey, learned counsel for the applicant and Mr. D. P. Gowami, learned Additional Public Prosecutor.

This is an application under Section 442/438 of BNSS against the judgment and order date 30.07.2024 passed by the learned Additional Sessions Judge (FTC), Cachar, Silchar in Criminal Appeal No. 14/2020 affirming the

judgment of the trial court and modifying the sentence whereby the accused was convicted under Section 147/323/325/149 IPC.

It is submitted by the learned counsel for the petitioner that the petitioner was on bail during trial and appeal as such the petitioner may be allowed to remain on previous bail or to go on bail.

Mr. D. P. Goswami, learned Additional Public Prosecutor has made no objection to release the petitioner on bail.

In view of the above, without going into the merit of the case and considering the sentence imposed against the petitioner, the petitioner is allowed to go on bail of Rs.30,000/- with a surety of like amount to the satisfaction of learned SDJM, Cachar, Silchar.

During pendency of the appeal the operation of Criminal Appeal No.14/2020 and GR Case No. 2542/2003 shall remain suspended.

Accordingly, the interlocutory application stands disposed of.

JUDGE

Comparing Assistant