

GAHC010214482024



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

Case No. : I.A.(CrI.)/1118/2024

FELIX PETER NONGADHAR AND 2 ORS
S/O. ANANDA CHETIA
R/O. JANAPATH LANE 19
CHANDAN NAGAR
P/S. JORHAT
DIST. JORHAT
ASSAM
PIN-785001.

2: MOSTAFA HUSSAIN
S/O. LATE SAFIULLA MUNSHI
R/O. VILL. JHAGRARPAPAR
PART-3
P/S. DHUBRI
DIST.- DHUBRI
ASSAM
PIN-783325.

3: TALEB ALI SHEIKH
S/O. LATE NOWSHAD ALI SK
R/O. VILL. GARAMARI PART-4
P/O. ALAMGANJ
P/S. GAURIPUR
DIST. DHUBRI
ASSAM
PIN-783325.
VERSUS

THE CENTRAL BUREAU INVESTIGATION
REP. BY THE SPECIAL PP
CBI.

Advocate for : MR Z ALAM
Advocate for : SC
CBI appearing for THE CENTRAL BUREAU INVESTIGATION

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

21.11.2024

Heard Mr Z Alam, learned counsel for the applicants, 1) Felix Peter Nongadhar, 2) Mostafa Hussain and 3) Md Taleb Ali Sheikh. They have filed this application under Section 430 of the BNSS, 2023, with prayer for suspension of sentence pending appeal also to allow the accused persons to go on bail as they have been convicted vide Judgment and order dated 23.09.2024, passed by the learned Special Judge, CBI, Assam, Additional Court No. 2, at Guwahati, in connection with Special Case No. 7/2014, under Section 120B and sentenced to undergo Rigorous Imprisonment for 3 years and to pay a fine of Rs. 30,000/- each, with default stipulation, under Section 420 IPC and sentenced to undergo Rigorous Imprisonment for 3 years and to pay fine of Rs. 30,000/- each, with default stipulation, under Section 468 IPC and sentenced to undergo Simple Imprisonment for 3 years and to pay fine of Rs. 30,000/- each, with default stipulation and under Section 471 IPC, to undergo Rigorous Imprisonment for 6 months and to pay fine of Rs. 30,000/- each, with default stipulation, and under Section 13(2), read with Section 13(1)(d) of the PC Act, 1988, to undergo RI for 3 years and to pay fine of Rs. 50,000/-each. The sentences are directed to run concurrently.

2. Heard Mr M Haloi, learned Special Public Prosecutor, CBI, who has submitted to file objection against this petition under Section 430 of the BNSS, 2023.
3. I have considered the submissions at the Bar.
4. It is submitted on behalf of the petitioners that the petitioners are already on previous bail. Therefore, petitioners are allowed to remain on previous bail, until further orders. The operation of the conviction and sentence of the applicants/appellants/petitioners, vide impugned Judgment and Order dated 23.09.2024, is stayed until further orders.
5. In terms of the above observations, this interlocutory application stands disposed of.

JUDGE

Comparing Assistant