

GAHC010216552024



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

Linked Case : I.A.(Crl.)/972/2024

RITEN BORO
S/O- GOLENDABORO
R/O- R.G BARUAH PATH
NOONMATI
P.S- NOONMATI
DIST- KAMRUP (M)
ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP
ASSAM

Advocate for : MR. DITUL DAS
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

21.10.2024

1. Heard learned counsel Mr. D. Das for the petitioner Riten Boro.

2. This application has been filed by the petitioner under Section 442(1) of the BNSS, 2023.
3. It is submitted on behalf of the applicant that the petitioner is highly aggrieved by the concurrent Judgment and Orders of the learned Trial Court as well as the learned Appellate Court as the evidence of DW-2 and DW-3 were not taken into consideration. DW-2 and DW-3 were the eye witnesses but their evidences were not taken into consideration by both the Courts. It is submitted that the petitioner has a good chance of acquittal.
4. Heard Ms. N. Das, learned Additional Public Prosecutor, Assam for the respondent State.
5. The applicant is aggrieved by the Judgment and Order dated 09.07.2024 passed by the learned Sessions Judge, Kamrup, (M) in Criminal Appeal No. 60/2023, upholding the Judgment and Order dated 21.08.2023, passed by the learned J.M.F.C. in PRC Case No. 1193/2019, whereby the petitioner was convicted under Section 341 of the IPC to pay a fine of Rs. 500/- with default stipulation and he was also convicted under Section 354 of the IPC and sentenced to undergo R.I. for 3 years and to pay a fine of Rs. 5000/- with default stipulation.
6. I have considered the submissions at the Bar.
7. Considering all aspects, the operation of the impugned orders dated 09.07.2024 in connection with Criminal Appeal No. 60/2023 and order dated 21.08.2023 in connection with PRC Case No. 1193/2019 is suspended until further orders.
8. The petitioner shall also be enlarged on bail of Rs. 30000/- to the

satisfaction of the learned Trial Court.

9. In terms of the above observation, the I. A. stands disposed of.

JUDGE

Comparing Assistant