

GAHC010218682022



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

Case No. : I.A.(CrI.)/655/2022

RAUSAN ALI MANDAL @ RAUSON ALI MANDAL
S/O- MD. AMIR MANDAL,
R/O- VILL- NO. 1 POPRAGAON,
P.O. AND P.S.- BONGAIGAON,
DIST.- BONGAIGAON, PIN-783380

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY THE PP, ASSAM

2:MD. MAJIBUR RAHMAN
S/O- LATE SAMSUL HOQUE MONDAL
R/O VILL- NO. 1 POPRAGAON
P.O. AND P.S.- BONGAIGAON
DIST.- BONGAIGAON
ASSAM
PIN-78338

Advocate for the Petitioner : MR. M A MONDAL
Advocate for the Respondent : PP, ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

27.06.2024

Heard Mr. N. Uddin, learned counsel appearing for the applicant. Also heard Mr. Bankim Sarma, learned Addl. Public Prosecutor, Assam.

2. In this case, Amicus Curiae was appointed to represent the informant. But the learned Amicus Curiae is absent today.
3. This is an application under Section 389 of the Code of Criminal Procedure (Cr.P.C) praying for suspending the judgment and order dated 27.11.2020 passed by the learned Sessions Judge, Bongaigaon in Special (P) Case No.33(BNG)/2018 (arising out of G.R. No.628/2018).
4. The applicant was convicted under Section 366 of the Indian Penal Code as well as Section 6 of the POCSO Act.
5. Today, I have gone through the evidence available in the record as well as the judgment passed by the trial court. Considering all these, the prayer of the applicant/appellant is allowed.
6. Accordingly, the judgment and order dated 27.11.2020 passed by the learned Sessions Judge, Bongaigaon in Special (P) Case No.33(BNG)/2018 (arising out of G.R. No.628/2018) shall remain stayed till disposal of the connected criminal appeal.
7. The applicant Rausan Ali Mandal @ Rauson Ali Mandal is allowed to go on bail of ₹25,000/- with a surety of like amount to the satisfaction of the learned Sessions Judge, Bongaigaon.

The Interlocutory Application is disposed of accordingly.

JUDGE

Comparing Assistant