

GAHC010222372024



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

I.A.(Crl.)/998/2024

SMT. MANORAMA SAIKIA
W/O SRI RUPEN SAIKIA
R/O MERILI PATHAR GAON
P.O. AND P.S.- CHABUA
DIST- DIBRUGARH
ASSAM-786184

VERSUS

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

2:KHIROD PHUKAN
S/O LATE NIRMAL PHUKAN
R/O MERILI PATHAR GAON
P.O. AND P.S.-CHABUA
DIST- DIBRUGARH
ASSAM-786184

Advocate for : MR. A K GUPTA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI
ORDER

Date : 29.10.2024

Heard Mr. A.K.Gupta, learned counsel for the petitioner and Mr. D.P.Goswami, learned Additional Public Prosecutor for the State respondent No.1.

By filing this interlocutory application under Section 438 (1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 the applicant has prayed for suspension of the sentence vide Judgment and order dated 26.07.2024 passed by the learned Sessions Judge, Dibrugarh in Criminal Appeal No. 45(3)/2018 affirming the Judgment and Order dated 14.06.2018 passed by the learned JMFC, Dibrugarh in GR Case No. 650/2010 whereby the applicant was convicted under Section 406 of the IPC and sentenced to undergo SI for one year with fine of Rs.10,000/- in default SI for 6 months and allow the applicant to remain on previous bail.

On hearing the learned counsel for both sides and perusal of the aforesaid Judgments and Orders, it is provided that the operation of the sentence passed therein shall remain stayed till disposal of the connected revision petition.

The applicant is permitted to remain on previous bail till disposal of the connected Criminal Revision Petition No. 424/2024.

With the above directions, the Interlocutory Application stands disposed of.

JUDGE

Comparing Assistant