

GAHC010223682023



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

Case No. : I.A.(Crl.)/953/2023

RAHUL DUTTA
S/O AJIT DUTTA R/O REHABARI MA ROAD P.S PALTAN BAZAR GUWAHATI
781008 DIST. KARMRUP METRO ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP
ASSAM

2:JAGADISH DAS
S/O LT. HAREKRISHNA DAS R/O SUKANJAN EKORANI BASTI P.S BOKAJAT
PIN 782480 DIST. KARBI ANGLONG ASSAM

Advocate for : MR D CHUTIA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 03.01.2024

Heard Mr. D. Chutia, learned counsel for the petitioner. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State respondent.

This Interlocutory Application has been filed by the petitioner, namely,

Rahul Dutta, praying for suspending the sentence in G. R. Case No. 618/2017, which was upheld by learned Sessions Judge, Diphu in Criminal Appeal No. 03/2020.

The applicant has preferred a criminal revision petition impugning the finding of the First Appellate Court which has been registered as Criminal Revision Petition No. 430/2023.

Learned counsel for the petitioner has submitted that the First Appellate Court has erred in upholding the judgment of the Trial Court passed in G. R. Case No. 618/2017 inasmuch as there are lot of contradiction amongst the testimony of witnesses and the finding of conviction arrived at by the First Appellate Court should not have been arrived at and there is every possibility that in the connected Criminal Revision Petition No. 430/2023, the petitioner may get an order of acquittal.

It is also submitted by learned counsel for the petitioner that as the petitioner has been sentenced to undergo imprisonment only for a limited period of two years, if the sentence imposed on the petitioner is not suspended during the pendency of the connected Criminal Revision Petition No. 430/2023, the petitioner may be prejudiced if the disposal of the said criminal petition takes time and ultimately the petitioner is found to be innocent.

Considering the short duration of the sentence with which the petitioner has been punished in this case, learned Additional Public Prosecutor also does not oppose the prayer for suspension of sentence during the pendency of the connected Criminal Revision Petition.

Hence, considering the entire aspect of the matter the sentence imposed on the present petitioner namely, Rahul Dutta in G. R. Case No. 618/2017 which has been upheld in Criminal Appeal No. 03/2020 is hereby suspended

during the pendency of the Criminal Revision Petition No. 430/2023 and the above named petitioner is allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only), with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, First Class, Karbi Anglong, Diphu during the pendency of the instant Criminal Revision Petition No. 430/2023.

This interlocutory application is accordingly disposed of.

JUDGE

Comparing Assistant