

GAHC010251252023



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

Case No. : I.A.(Crl.)/43/2024

AJAY BHUMIZ
S/O- SRI BOGAI BHUMIZ, R/O- AMGURI BORBAM,
P.S.- HALUATING, DISTRICT- SIVASAGAR, ASSAM.

VERSUS

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

2:SIVA MIRDHA
W/O- LATE SAMRU MIRDHA
R/O- HALUATING TEA ESTATE
P.S.- HALUATING
DISTRICT-SIVASAGAR
ASSAM

Advocate for the Petitioner : MR S BORTHAKUR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 12.06.2024

Heard Mr. S. Borthakur, learned Senior Counsel assisted by Mr. S.Dey, learned counsel for the applicant and also heard Mr.B.Sharma, learned Addl. P.P. for the State opposite party No.1.

This interlocutory application u/s 389(1) Cr.P.C. is preferred by the applicant **Ajay Bhumiz** for suspension of sentence passed by the learned Addl. Sessions Judge, Sivasagar in Sessions Case No. 81(S-S) 2021 by which the applicant was convicted under Section 306 IPC and sentenced to undergo R.I for five years and also to pay a fine of Rs.5,000/- with default stipulation.

The learned counsel for the applicant submits that there is no any ingredient of Section 306 IPC against the applicant in the evidence of the witnesses. None of the witnesses has alleged that the applicant has instigated the victim to commit suicide. From the statement of the witnesses, it reveals that the victim had eloped with the applicant and subsequently, she returned back and there was altercation between husband and the victim and subsequently she was found hanging herself. It is also submitted that there is every possibility of acquittal in the case.

Learned Addl. P.P., has made objection against the prayer of the applicant and submits that there is implicating evidence against the applicant by the PWs- 2 and 5.

In view of the sentence imposed against the applicant and without going into the merit of the case, the aforesaid sentence is hereby suspended till disposal of the connected appeal and the applicant/appellant is directed to be released on furnishing bail bond of **Rs. 30,000/-** with one surety of the like amount to the satisfaction of the said learned Addl. Sessions Judge, Sivasagar.

The interlocutory application stands disposed of.

JUDGE

Comparing Assistant