

GAHC010251812024



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

I.A.(CrI.)/1161/2024

PRANAB BHATTA
S/O LATE SUSHIL BHATTA
R/O KALAPAHAR

GUWAHATI POLICE STATION IN THE DISTRICT OF KAMRUP (M)
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP
GOVT. OF ASSAM

Advocate for : MR. B M CHOUDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : --29.11.2024

Heard Mr. B.M. Choudhury, the learned counsel for the petitioner and also heard Mr. D.P. Goswami, the learned Additional Public Prosecutor appearing on behalf of State respondent.

2. This is an application for suspension of execution of sentence and stay of realization of fine and also prayed for allowing the present petitioner to remain on previous bail.

3. It is submitted by Mr. Choudhury that the impugned judgment & order dated 24.09.2024 is passed by learned Additional Sessions Judge No. 5, Kamrup (Metro) at Guwahati in Criminal Appeal No. 04/2021 dismissing the Criminal Appeal and upholding the conviction of the present petitioner as passed by the learned CJM, Kamrup at Guwahati in C.R. Case No. 6357/2005 u/s 7 R/W Section 16 of the Prevention of Food Adulteration Act, 1954 and thereby sentenced to undergo SI for 6 months and to pay a fine of Rs. 1,000/- in default of payment of fine, to undergo further Simple Imprisonment (S.I.) for another 15 [fifteen] days.

4. Mr. Choudhury further submitted that the petitioner was on bail during the entire period of trial he never jumped over any conditions of bail and accordingly prayed to allow the petitioner to remain on previous bail and further prayed for suspension of execution of sentence passed by learned Additional Sessions Judge No. 5, Kamrup (M) in Criminal Appeal No. 04/2021 dated 24.09.2024.

5. Mr. Goswami, the learned Additional Public Prosecutor has raised no objection.

6. Accordingly considering the submissions made by learned counsel for both sides, the present interlocutory application is allowed and thereby the execution

of sentence passed in impugned judgment and order dated 24.09.2024 in Criminal Appeal No. 04/2021 upholding the conviction order passed by the learned CJM, Kamrup at Guwahati in C.R. Case No.6357/2005 is hereby stayed/suspended till disposal of the connected Revision Petition. The petitioner is also allowed to remain on previous bail till disposal of the connected Revision Petition.

With the above observation, the IA stands disposed of.

JUDGE

Comparing Assistant