

GAHC010257062024



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

Case No. : I.A.(Crl.)/1178/2024

PANKAJ JHUNJHUNWALA
S/O LATE RAJ KUMAR JHUNJHUNWALA
R/O VILL- DAILY BAZAR

WARD NO. 6
P.S. BARPETA ROAD
P.O. BARPETA ROAD

DIST. BARPETA
ASSAM
PIN- 781315

VERSUS

SHYAMAL SUTRADHAR
S/O LATE DULAL SUTRADHAR R/O BARPETA ROAD TOWN
WARD NO. 9
P.S. BARPETA ROAD
P.O. BARPETA ROAD
DIST. BARPETA
ASSAM
PN-781315

Advocate for : MR. SURAJIT DAS
Advocate for : appearing for SHYAMAL SUTRADHAR

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

04.12.2024

Heard Mr. S. Nawaz, learned counsel for the applicant.

This interlocutory application is filed under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying for the suspension of sentence and for allowing the accused/applicant to remain on previous bail.

It is submitted by the learned counsel for the applicant, Mr. Nawaz, that the present applicant was on bail throughout the trial of the case and has never violated any of the bail conditions. Moreover, he submits that the applicant has already paid 20% of the compensation amount before the learned Appellate Court, which has already been received by the respondent. Accordingly, he prays for the stay/suspension of the aforesaid proceedings and requests that the accused/petitioner be allowed to remain on previous bail until the disposal of the connected criminal revision petition.

Considering the submissions of the learned counsels for both sides, as well as the nature of the offence and other aspects of the case, the operation of the impugned Judgment and Order dated 27.09.2024, passed by the learned Additional Sessions Judge, Barpeta, in Criminal Appeal Case No. 08/2024, upholding the impugned Judgment and Order dated 13.03.2024, passed by the learned Additional Chief Judicial Magistrate, Barpeta in N.I. Case No. 97/2021, wherein the applicant was convicted under Section 138 of the N.I. Act and sentenced to undergo 6 (six) months of rigorous imprisonment and to pay a fine of Rs. 6,50,000/- (Rupees six lakhs fifty thousand only) to the respondent, and

in default, to undergo simple imprisonment for another 4 (four) months, is stayed until the disposal of the instant criminal revision petition, being Crl.Rev.P. No. 489/2024. Further, the accused/petitioner is allowed to remain on previous bail.

With above observations, this interlocutory application stands disposed of.

JUDGE

Comparing Assistant