

GAHC010260852024



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

Case No. : I.A.(Crl.)/1207/2024

SURAJ RABI DAS @ SURAJ RABIDAS AND ANR
S/O- DULAL RABIDAS
R/O- WARD NO-11
P.S- DHUBRI
DIST- DHUBRI
ASSAM

2: SUBHANKAR MANDAL
S/O- LATE JAGABANDHU MANDAL
R/O- WARD NO-11
P.S AND DIST- DHUBRI
ASSAM
VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MS S A KHALIFA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 09.12.2024

Heard Mr. J. Kalita, learned counsel for the applicants. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 430 of the BNSS, 2023 praying for suspension of impugned judgment and sentence dated 22.10.2024, passed by the learned Session Judge, Dhubri in Session Case No. 86/2019, arising out of Dhubri P.S. Case No. 307/2017, under Sections 120-B/342/326/307 of the Indian Penal Code, whereby the accused/applicants have been sentenced to undergo imprisonment for 6 (six) months each and to pay fine of Rs. 1,000/- (Rupees one thousand) only each, in default to suffer Rigorous Imprisonment for another 1 (one) month each for the offence under Sections 324/34 of the Indian Penal Code, and also sentenced them to suffer Rigorous Imprisonment for 2 (two) years each, and to pay a fine of Rs. 5,000/- (Rupees five thousand) only each, in default to suffer Rigorous Imprisonment for another 3 (three) months each for the offence under Section 307 IPC.

It is submitted by Mr. Kalita, learned counsel for the applicants, that the present accused/applicants are already on previous bail and accordingly, he prayed to allow them to remain on previous bail till disposal of the connected appeal, being Crl. A. No. 414/2024, by suspending the judgment and sentence dated 22.10.2024, passed by the learned Session Judge, Dhubri in Session Case No. 86/2019.

Considering the submissions made by the learned counsels for both sides and also considering the term of sentence and the conduct of the accused/applicants, I find it appropriate to allow this interlocutory application. Accordingly, the applicants are allowed to remain on previous bail and the operation of the impugned judgment and sentence dated 22.10.2024, passed by the learned Session Judge, Dhubri in Session Case No. 86/2019, shall remain stayed/suspended till disposal of the connected appeal, being CrI. A. No. 414/2024.

In terms of above, this interlocutory application stands disposed.

JUDGE

Comparing Assistant