

GAHC010291752023



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

Case : I.A.(Crl.)/1279/2023

SUJIT KARMAKAR
S/O KARTIK CH. KARMAKAR
R/O BORADING ROAD
SIVASAGAR UNDER SIVASAGAR POLICE STATION
IN THE DISTRICT OF SIVASAGAR ASSAM.

VERSUS

MANASH HAZARIKA AND ANR.
S/O JUGADHAR HAZARIKA
R/O RAD CROSS ROAD
SIVASAGAR UNDER SIVASAGAR POLICE STATION IN THE DISTRICT OF
SIVASAGAR
ASSAM
PIN- 785697.

2:THE STATE OF ASSAM
REP. BY P.P.
ASSAM.

Advocate for : MR H RAHMAN
Advocate for : PP
ASSAM appearing for MANASH HAZARIKA AND ANR.

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 03.01.2024

Heard Mr. D. Talukdar, learned counsel for the applicant. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State.

This application under Section 397 of the Code of Criminal Prosecutor, 1973

has been filed by the petitioner praying for suspending the operation of impugned judgment and order dated 10.10.2023 passed by the learned Sessions Judge, Sivasagar whereby the judgment and order dated 02.03.2019 passed by the learned Additional Chief Judicial Magistrate, Sivasagar in C.R. Case No. NI 44/2012 was upheld by the Trial Court whereby the present petitioner was convicted under Section 138 of the Negotiable Instruments Act, 1881 and was sentenced to undergo simple imprisonment for one year and was also sentenced to pay a fine of Rs.30,00,000/- (Rupees Thirty Lakhs) and in default of payment of fine to undergo simple imprisonment for six months more.

The judgment of the First Appellate Court has been impugned by the present petitioner by filing a connected Criminal Revision Petition No. 571/2023 which is admitted for hearing.

Learned counsel for the petitioner has submitted that he has a good ground for preferring the connected criminal revision petition and has chances of success in the said criminal revision petition. Since, the conviction for a limited period of one year only during the pendency of the connected Criminal Revision Petition No. 571/2023, the operation of the impugned order is hereby suspended and the petitioner is allowed to remain on previous bail.

This interlocutory application is accordingly disposed of.

JUDGE

Comparing Assistant