

GAHC030004662024



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

Case No. : I.A.(CrI.)/37/2024

Thanmawii
Khatla East
Aizawl

VERSUS

Central Bureau of Investigation
Anti-Corruption Branch
Shillong
Shillong

Advocate for the Petitioner : Mr Lalfakawma
Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

23.07.2024

Heard Mr. Lalfakawma, learned counsel for the applicant.

2. This interlocutory application, under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) is preferred by the applicant for suspension of

sentence and to allow her to go on fresh bail.

3. It is to be noted here that vide impugned judgment dated 17.05.2024, passed by the learned Special Judge, Prevention of Corruption Act, Aizawl, Mizoram in SR (PCA) No. 07 of 2012, arising out of CBI Case No. RCGHG 2010 A0007, under Section 120B, read with Sections 420/468/471, IPC, read with Section 13(2), read with Section 13(1)(c) & (d) of the Prevention of Corruption Act, 1988, and order of sentence dated 20.05.2024, the learned trial Court has convicted the applicant under Section 120B, read with Sections 420/468/471, IPC, read with Section 13(2), read with Section 13(1)(c) & (d) of the Prevention of Corruption Act, 1988 and sentenced her to suffer imprisonment for one year and to pay a fine of Rs. 3,00,000/-, in default of payment of fine, to undergo imprisonment for another nine months.

4. The learned counsel for the applicant submits that on the day of pronouncement of the judgment, the applicant was taken into custody by the learned trial Court, vide judgment dated 17.05.2024 and thereafter, on the day of pronouncement of sentence i.e. on 20.05.2024, the applicant was released on bail till 24.07.2024, and that the applicant has already preferred an appeal challenging the correctness or otherwise of the aforesaid judgment and order of conviction and sentence, and the said appeal has already been admitted by this Court and the record of the learned trial Court has also been called for and therefore, it is contended to allow the applicant to go on fresh bail till disposal of the appeal.

5. Having heard the submission of learned counsel for the applicant, I have gone through the applicant and the documents placed on record and also perused impugned judgment dated 17.05.2024 and order of sentence dated 20.05.2024 and also perused the order dated 21.05.2024 in CMA Nos. 10-12 of

2024.

6. It appears that the learned trial Court had allowed the applicant to remain the applicant on previous bail till 24.07.2024.

7. Having considered the submission of learned counsel for the applicant and also considering the facts and circumstances on the record, this Court is inclined to allow this application.

8. Accordingly, it is provided that on furnishing a bond of Rs. 1,00,000/- with one surety of like amount to the satisfaction of the learned trial Court, the applicant shall be enlarged on bail till disposal of the criminal appeal, being Crl.A. No. 31/2024.

9. In terms of above, this interlocutory application stands disposed of.

JUDGE

Comparing Assistant