

GAHC030004642024



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

Case No. : I.A.(CrI.)/39/2024

Gunomoni Tong
Mainabapsora
Lawngtlai District

VERSUS

Central Bureau of Investigation r/b Dy. Inspector General of Police
Guwahati
Assam

Advocate for the Petitioner : Mr B Lalramenga
Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

23.07.2024

Heard Mr. B. Lalramenga, learned counsel for the applicant.

2. This interlocutory application, under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) is preferred by the applicant for suspension/stay of the judgment, dated 17.05.2024, and order of sentence, dated 20.05.2024, 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.

3. It is to be noted here that vide impugned judgment dated 17.05.2024, 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 him 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 vide impugned judgment dated 17.05.2024, and order of sentence dated 20.05.2024, the learned trial Court has convicted as many as 23 (twenty three) accused and out of the said 23 (twenty three) accused, the present applicant was taken into custody on account of failing to remain present before the learned trial Court only on one occasion. Thereafter, the learned trial Court has pronounced the impugned judgment and order of sentence against the applicant as aforesaid. And thereafter, in CMA Nos. 10-12 of 2024, vide order dated 21.05.2024, the applicant was granted bail till 24.07.2024.

5. The learned counsel for the applicant also submits that the applicant has already preferred an appeal against the aforesaid impugned judgment and order of sentence and the same has already been admitted for hearing and notice has also been issued and that along with the present applicant, two other co-accused has also been taken into custody on account of failing to remain present before the learned trial Court on one occasion and that they have also preferred an appeal and one interlocutory application for suspension of sentence and for enlarging them on bail, and this Court, vide order dated 24.06.2024, in

I.A.(Crl.) No. 29/2024 was pleased to suspend the sentence to enlarge the co-accused on bail and therefore, the learned counsel for the applicant submits that similar privilege may be extended to the present applicant also.

6. 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 the order dated 24.06.2024, passed by a Coordinate Bench of this Court, in I.A.(Crl.) No. 29/2024

7. It appears that vide impugned judgment dated 17.05.2024, 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 him to suffer imprisonment for one year only and to pay a fine of Rs. 3,00,000/-, in default of payment of fine, to undergo imprisonment for another nine months.

8. Having heard the submission of learned counsel for the applicant and also considering the facts and circumstances on the record and also the sentence, so handed down by the learned trial Court, this Court is inclined to allow this application.

9. 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 released on bail.

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

JUDGE

Comparing Assistant