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

Case No. : I.A.(Crl.)/938/2026

DIPEN TANTI
S/O LATE KULU TANTI, R/O MADHAPUR GAON, P.O.- LETEKOJAN, P.S.- NUMALIGARH RURAL, DIST.- GOLAGHAT, PIN-785613.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MS. PAPORI PRIYA DAS (LEGAL AID COUNSEL),

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

16.09.2026

Heard Ms. P.P. Das, learned counsel for the applicant and Mr. P. Borthakur, learned Additional Public Prosecutor for the State, being opposite party No. 1.

2. In this petition, under Section 442 read with Section 438 of the BNSS, the petitioner has prayed for suspension of sentence handed down by learned

Additional Chief Judicial Magistrate, Golaghat, in PR Case No. 313/2024, vide judgment and order dated 28.07.2025.

3. It is to be noted here that vide judgment and order dated 28.07.2025, the learned Additional Chief Judicial Magistrate, Golaghat, had convicted the applicant herein under Section 326 of the IPC and sentenced him to undergo imprisonment for 2 years and a fine of Rs. 5,000/- with default stipulation.

3.1. It is also to be noted here that vide judgment and order dated 17.03.2026, the learned Sessions Judge, Golaghat, had dismissed the appeal filed by the applicant herein and thereby, upheld that conviction and sentence passed by the learned Additional Chief Judicial Magistrate, Golaghat, in PR Case No. 313/2024.

4. Ms. Das, learned counsel for the applicant, submits that after the appeal being dismissed by the learned Sessions Judge, Golaghat, the applicant herein was taken into custody and now, he has been serving out the sentence. Ms. Das further submits that the sentence so handed down by the learned courts below is only two years with fine of Rs. 5,000/- and that during the course of the trial the accused (applicant herein) was all along on bail. She also submits that since notice has been issued and the record has also been called for, the applicant may be allowed to go on bail.

5. Per-contra, Mr. Borthakur, learned Additional Public Prosecutor, submits that he has no objection.

6. Accordingly, considering the submissions of learned counsel for both the parties and also considering the facts and circumstances on the record, the applicant herein is allowed to go on bail, on furnishing a bond of Rs. 10,000/- with one surety of like amount to the satisfaction of the learned Additional Chief Judicial Magistrate, Golaghat.

7. In terms of above, this IA stands disposed of.

JUDGE

Comparing Assistant