GAHC010026502020

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

Case No. : I.A.(Crl.)/154/2020
in
Crl.A./60/2020

SUMAN BISWAS @ SUMANTA BISWAS
S/O- SHRI SANTOSH BISWAS, R/O- SUBRA-SUBRI, P.O. AND P.S. URANG, DIST.- UDALGURI, ASSAM.

VERSUS

THE STATE OF ARUNACHAL PRADESH AND ANR
REP. BY P.P., ARUNACHAL PRADESH.

2:SHRI LIMKON MOSSAN

Advocate for the Petitioner : MR. M BISWAS

Advocate for the Respondent : GA, AP

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
HONOURABLE MR. JUSTICE MIR ALFAZ ALI

ORDER

25.11.2020

(M. Zothankhuma, J.)

Heard Ms. M. Das, learned counsel for the applicant. Also heard Mr. N.N.B. Choudhury, learned Public Prosecutor, Arunachal Pradesh for the State.

This is an application for suspending the sentence passed in the Judgment dt:

18.12.2019 by the learned Sessions Court, Tirap, Changlang and Longding at Khonsa, Arunachal Pradesh in Sessions Case No. 44/2019, by which the petitioner has been convicted under Section 302 IPC and sentenced to undergo rigorous imprisonment for life with a fine of Rs. 10,000/-, in default simple imprisonment for two months.

The applicant's prayer for suspending the sentence and grant of bail is on the ground that the confession made by the applicant was perfunctory in nature and had been retracted by the applicant while he was giving his statement u/s 313 Cr.P.C. Further the reflection time given to the applicant, prior to recording his confessional statement, was only 15 minutes, which was not enough. The applicant's further case is that the recovery of the weapon and other articles on the basis of the alleged disclosure statement made by the applicant could not be said to be inculpatory in nature.

Mr. N.N.B. Choudhury, learned PP for the State on the other hand submits that the confessional statement u/s 164 Cr.P.C. clearly shows the admission of guilt made by the applicant and the weapon had been discovered on the basis of the voluntary disclosure statement by the applicant.

On considering the submissions made by the learned counsels for the parties and keeping in view the fact that the weapon and other articles had been recovered on the basis of the disclosure made by the applicant, we are not inclined to allow the application at this stage, especially when the matter is already listed for hearing. Accordingly, the application is rejected.

JUDGE **JUDGE**

Comparing Assistant