GAHC010214452018

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

Case No. : I.A.(Crl.)/370/2019
in
Crl.A./163/2018

SRI ABDUL KHALIQUE AND ANR
S/O LATE ROIS ALI, R/O VILL. NAYAGRAM, P.O. DUTAGRAM, P.S. NILAMBAZAR, DIST. KARIMGANJ, ASSAM, PIN 788722

2: TAZ UDDI

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY PP, ASSAM.

2:ABDUL AZI

Advocate for the Petitioner : MR H R CHOUDHURY

Advocate for the Respondent : PP, ASSAM

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

ORDER

26.11.2020

(M. Zothankhuma, J.)

Heard Mr. S.C. Biswas, learned counsel for the applicants, who prays for suspending the sentence passed in the Judgment & Order dt: 27.04.2018 by the learned Sessions Judge, Karimganj in Sessions Case No. 52/2013 corresponding to G.R. Case No. 1355/2010. The

applicants counsel submits that out of the 8 witnesses examined only PW-1 & PW-2 have allegedly identified the applicants on the basis of a torchlight, which has not been produced in the Trial Court. The applicants counsel submits that the applicants were never identified by the PW-1 & PW-2. He also submits that the applicants being of old age and having ailments, their prayer for bail should be considered sympathetically. He further submits that the applicants have been in jail for more than two years.

Mr. M. Phukan, learned Additional Public Prosecutor, Assam for the State respondent submits that on 28.02.2019, the earlier bail application of the applicants had been rejected on the same ground by this Court in I.A.(Crl.l) No. 390/2018.

On hearing the learned counsels for the parties and on perusal of the order dated 28.02.2019 passed by this Court in I.A.(Crl.) No. 390/2018, we find that this Court had recorded the fact that the PW-1 & PW-2 had identified the applicants. There is also nothing to show that the ailments of the applicants are not being taken care of inside the jail.

In that view of the matter, we do not find any ground to suspend the sentence and release the applicants on bail and accordingly, the application is rejected.

JUDGE **JUDGE**

Comparing Assistant