GAHC010229292019

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

Case No. : I.A.(Crl.)/893/2019
in
Crl.A./405/2019

BAPON KAR
Address:S/O LATE SWAPAN KAR
R/O ROHAGAON
P.S.-ROHA
DIST-NAGAON
ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
Address:REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM
2:ATUL BARUAH
Address:S/O LATE PANI RAM BARUAH
R/O VILL-GARMARI
P.S.-ROHA
DIST-NAGAON
ASSAM
PIN-782103

Advocate for : MR. A CHAUDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR: Advocate , appearing for 2, respectively.

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

ORDER

23.11.2020

(M. Zothankhuma, J.)

Heard Mr. D. Bora, learned counsel appearing on behalf of Mr. N. Mahajan, learned counsel for the applicant/ appellant. Also heard Ms. S. Jahan, learned Additional Public Prosecutor, Assam appearing for the State.

This is an application for suspending the sentence and releasing the applicant to go on bail.

The present case relates to death of the wife of the applicant by way of strangulation. The learned Trial Court vide impugned Judgment dtd: 09.08.2019 passed by the learned Sessions Judge, Nagaon in Sessions Case No. 64 (N) / 2014 had convicted the applicant under Section 302 IPC and sentenced the applicant/ appellant to undergo rigorous imprisonment for life with a fine of Rs. 10,000/-, in default to simple imprisonment for six months.

On perusal of the evidence which shows that the deceased had transverse ligature mark completely covering the upper part of neck and extending to the back, we are not inclined to suspend the sentence at this stage.

Accordingly, this application is rejected.

JUDGE **JUDGE**

Comparing Assistant