GAHC010289322019

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

Case No. : I.A.(Crl.) 1084/2019

1:PROBIR RAJKHOWA
S/O LATE SADANANDA RAJKHOWA, PROPRIETOR OF M/S AHA WINE, R/O NO. 1 MAKUM PATAHR, NEAR TIRUPATI PLYWOOD, P.S.-MARGHERITA, DIST-TINSUKIA, ASSAM

VERSUS

1:SUBHA LAKHI BONDED WAREHOUSE PVT. LTD.
HAVING ITS OFFICE AT MAKUM ROAD, P.O., P.S. AND DIST - TINSUKIA, ASSAM, REPRESENTED BY ITS AUTHORIZED REPRESENTATIVE - SRI SURAJIT DAS, S/O LATE JOGENDRA MOHAN DAS, R/O NEW COLONY, P.O., P.S. AND DIST - TINSUKIA, ASSAM

Advocate for the Petitioner : MR. S BORTHAKUR

Advocate for the Respondent :

Linked Case : Crl.Rev.P. 551/2019

1:PROBIR RAJKHOWA
S/O LATE SADANANDA RAJKHOWA
PROPRIETOR OF M/S AHA WINE
R/O NO. 1 MAKUM PATAHR
NEAR TIRUPATI PLYWOOD
P.S.-MARGHERITA
DIST-TINSUKIA
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1:SUBHA LAKHI BONDED WAREHOUSE PVT. LTD.
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REPRESENTED BY ITS AUTHORIZED REPRESENTATIVE - SRI SURAJIT DAS
S/O LATE JOGENDRA MOHAN DAS
R/O NEW COLONY
P.O.
P.S. AND DIST - TINSUKIA
ASSAM

Advocate for the Petitioner : MR. S BORTHAKUR
Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 03-01-2020

Heard Mr. S. Borthakur, learned counsel for the petitioner.

By this application filed under Section 389 Cr.P.C., the applicant has for suspension of the operation of the impugned Judgment and Order, dated 22.08.2019, passed by the learned Sessions Judge, Tinsukia in Criminal Appeal No. 05 (1) of 2019, whereby upheld the Judgment and Order, dated 15.02.2019, passed by the learned Additional Chief Judicial Magistrate, Tinsukia in N.I. Case No. 74/2015 under Section 138 of the NI Act, convicting the petitioner and sentencing him to undergo Simple Imprisonment for a period of 3 (Three) months and also to pay Rs. 8,00,000/- as compensation and in default of payment of compensation, to undergo Simple Imprisonment for another 1 (One) month and for allowing him to remain on previous bail and or/fresh bail during the pendency of the connected revision petition.

Being satisfied, it is provided that till disposal of the connected Criminal Revision Petition No. 551/2019, the operation of the impugned Judgment and Order, dated 22.08.2019, passed by the learned Sessions Judge, Tinsukia in Criminal Appeal No. 05 (1) of 2019 shall remain stayed. The applicant is allowed to remain on previous bail.

With the above direction, the Interlocutory Application stands disposed off.

JUDGE

Comparing Assistant