GAHC010074242026

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

Case No. : I.A.(Crl.)/401/2026

HARI PRASAD BARUAH
S/O LT. DHARMESWAR BARUAH R/O CHARING SONARIBARI
P.O. CHARING
P.S. GAURISAGAR
DIST. SIVASAGAR
ASSAM

VERSUS

PARAMANANDA DAS AND ANR
S/O LATE RUDRAKANTA DAS R/O NAMDANG SILASAKU (PATHALIAL)
P.O. GAURISAGAR
P.S. SIVASAGAR
DIST. SIVASAGAR
ASSAM.

2:STATE OF ASSAM
REPRESENTED BY THE PP
ASSAM

Advocate for : MR. S ROY
Advocate for : appearing for PARAMANANDA DAS AND ANR

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

13.10.2026

1. Heard Mr. S. Roy, learned counsel appearing for the applicant. Also heard

Mr. D.P. Goswami, learned APP, State of Assam appearing for the respondent No.2.

2. By this application, the petitioner has prayed for suspension of the sentence imposed upon him by the judgment and order dated 27.06.2025 passed by the learned Additional Chief Judicial Magistrate, Sivasagar in N.I. Case No. 9/2022 whereby he was convicted under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for two months along with a fine of Rs. 2,00,000/- (Rupees two lakhs) payable to the complainant with a default stipulation. The aforesaid judgment and order passed by the learned trial court was upheld by the appellate court vide judgment and order dated 04.02.2026, passed in Criminal Appeal No. 33(3)/2025 by the learned Sessions Judge, Sivasagar.

3. By the said appellate order, the applicant was directed to surrender before the learned court to undergo the sentence imposed upon him.

4. I have heard the learned counsel appearing for the applicant. Upon consideration of the submissions made, more so in view of the fact that the sentence imposed upon the applicant is for a period of only two months along with a fine of Rs. 2,00,000/- (Rupees two lakh), this Court deems it appropriate to suspend the operation of the judgment and order dated 04.02.2026 passed by the learned appellate court as well as the judgment and order dated 27.06.2025 passed by the learned trial court during the pendency of the instant criminal revision petition.

5. Resultantly, the applicant is allowed to go on bail on furnishing a bail bond of Rs. 20,000/- (Rupees twenty thousand) with one local surety of a like amount to the satisfaction of the learned Additional Chief Judicial Magistrate, Sivasagar.

6. The interlocutory application stands disposed of.

JUDGE

Comparing Assistant