GAHC010115172026

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

Case No. : I.A.(Crl.)/805/2026

MUKUNDA MANKI
S/O RAMA MANKI
R/O VILL.- NO. 2 KACHUBIL
P.O.-KALAIGAON
P.S.- KALAIGAON
DIST.- UDALGURI ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR.
REP. BY THE P.P.
ASSAM.

2:JAMMINE BARO (INFORMANT)
D/O LATE GANESH BARO
R/O VILL.- HATIBANDHA
P.O.- KALAIGAON P.S.- KALAIGAON
DIST.- UDALGURI ASSAM.

Advocate for : MS. M SARMAH
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR.

BEFORE

HON'BLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

05.10.2026

Heard Ms M Sarmah, learned counsel appearing for the applicant and Mr R J

Baruah, learned Additional Public Prosecutor for the State of Assam.

2. By this application filed under Section 430 of the BNSS, 2023, the applicant has prayed for suspension of the sentence imposed upon him vide judgment and order dated 22.08.2025, passed by the Court of Additional Sessions Judge, Udalguri, in Criminal Appeal No. 21 of 2024, by which the judgment and order dated 02.08.2024, passed by the Court of SDJM(S), Udalguri, in PRC Case No. 566/2022, was upheld. By the said judgment passed by the Trial Court, the petitioner was convicted under Sections 341/354/354-AI of IPC and was sentenced to undergo RI for one year for offence under Section 354 AI and SI for one month for offence under Section 341 of IPC. Both the sentences were directed to run concurrently. The petitioner has also prayed for allowing him to go on bail in connection with the said sentence.

3. The learned counsel for the applicant submits that the total incarceration period imposed upon the petitioner was only for a period of one year and that the applicant has been inside the jail for the last more than 4 months. As such, she submits that till the revision petition is disposed of, the petitioner be allowed to remain on bail after suspending the sentence.

4. It is the settled position of law that the convicted applicant be released on bail during the pendency of the appeal or the revision if the sentence awarded upon the petitioner is for a fixed period. In the instant case, it is seen that the applicant was imposed with the punishment of only one year, of which he has already spent in jail for more than 4 months, and that the said criminal petition cannot likely be also heard within the said period, this Court suspends the operation of the Judgment and order dated 22.08.2025, passed by the appellate Court as well as the judgment and order dated 02.08.2024, passed by the Trial Court, during the pendency of the connected criminal revision petition. The applicant is, as such, allowed to go on bail on furnishing bail bond of Rs. 20,000/-, with one local surety of the like amount to the satisfaction of the Additional Sessions Judge, Udalguri.

5. Interlocutory Application stands disposed of.

6. Registry is directed to list the revision petition for admission.

JUDGE

Comparing Assistant