GAHC010122312014

2026:GAU-AS:17114

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

Case No. : Crl.Rev.P./18/2014

PRANJIT BORUAH
S/O SRI NATRADHAR BARUAH R/O VILL- BORBORI KHERAJKHAT
MOUZA- and P.S. NARAYANPUR DIST. LAKHIMPUR.

VERSUS

THE STATE OF ASSAM

Advocate for the Petitioner : MS.K DEKA, MR.M DUTTA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 18.11.2026

Heard Ms. K. Deka, learned counsel, appearing for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor, appearing for the State Respondents.

2. The petitioner by way of instituting the present criminal revision petition, has presented a challenge to a Judgment & Order dated 09.12.2013, passed by the Court of the learned Sessions Judge, Lakhimpur, in Criminal Appeal No.10(2)/2013, affirming the Judgment & Order dated 05.04.2013, passed by the learned Chief Judicial Magistrate, North Lakhimpur, in so far as the conviction of the petitioner, herein, under Sections 420/506 IPC is concerned. The learned Trial Court had also convicted the petitioner under Section 427 IPC, however, the learned Appellate Court had acquitted the petitioner from the charge under Section 427 IPC.

3. The prosecution case in brief is that an FIR was lodged on 22.01.2008, at around 06.15 p.m, by the informant Gautam Hazarika, Manager of Mahindra Finance Limited, North Lakhimpur Branch, to the

effect that he was called by the petitioner to collect the equated monthly installment with regard to a vehicle loan extended to him. Accordingly, the informant while proceeding to the house of the accused i.e. the petitioner, herein, had met him infront of Jahabari Jyoti Sangha on National Highway-52 and on being requested to issue receipt for the installment amount, the informant issued 03 (three) receipts bearing no.32251284 amounting to Rs.35,040/- (Rupees Thirty Five Thousand and Forty) only against loan No.629483, Receipt No.32251283 amounting to Rs.11,920/- (Rupees Eleven Thousand Nine Hundred Twenty) only against loan No.676166, and Receipt No.32251285 amounting to Rs.17,700/- (Rupees Seventeen Thousand Seven Hundred) only against loan no.533702.

3.1. It is further alleged after the issuance of the said receipts that the accused had not paid the amount and the informant was pushed out from the Maruti Car, wherein, the petitioner and the informant was sitting at the relevant point of time. It was also alleged that the accused had torn the counter foil of the receipt book.

3.2. The said FIR on being received was registered as G.D. Entry No.453 on 26.01.2008 by the police of Narayanpur Police Outpost and thereafter, the same on being forwarded to Bihpuria Police Station, the

same was registered as Bihpuria Police Station Case No.34/2008 under Section 420 IPC.

3.3. The police on conclusion of the investigation submitted a charge-sheet in the matter against the petitioner under Sections 420/506/427 IPC.

3.4. The learned Trial Court also framed a charge against the petitioner under Sections 420/506/427 IPC and the same on being read over and explained to the petitioner, herein, he having pleaded not guilty and claimed to be tried, a Trial ensued.

3.5. During the Trial, prosecution had examined 04 (four) witnesses including the informant as PW-1 and the Investigating Officer as PW-4.

3.6. On conclusion of the Trial, basing on the materials coming on record, the learned Trial Court proceeded to convict the petitioner, herein, under Sections 420/427/506 IPC and sentenced him to undergo Simple Imprisonment for 06 (six) months and also to pay a fine of Rs.1000/- (Rupees One Thousand) only, in default of payment of fine, Simple Imprisonment for 02 (two) months, for the offence under Section 420 IPC, and in so far as the offence under Section 427 IPC is concerned, he was sentenced to undergo Simple Imprisonment for 03

(three) months and in so far as the offence under Section 506 IPC is concerned, he was sentenced to undergo Simple Imprisonment for 03 (three) months. The sentences were directed to run concurrently.

3.7. The petitioner being aggrieved by his conviction and sentencing vide the Judgment & Order dated 05.04.2013, assailed the same by way of instituting an appeal before the Court of learned Sessions Judge, Lakhimpur. The said appeal was registered as Criminal Appeal No.10(2)/2013.

3.8. The learned Appellate Court upon hearing the learned counsel for the parties and also examining the materials coming on record, proceeded vide Judgment & Order dated 09.12.2013, to dispose of the said appeal by modifying the conviction of the petitioner and acquitting him from the charge under Section 427 IPC. The Appellate Court, however, affirmed the conviction of the petitioner under Sections 420/506 IPC as passed by the learned Trial Court.

Being aggrieved the petitioner has instituted the present Criminal Revision Petition.

4. I have heard the learned counsel for the parties and also perused the materials available on record.

5. The learned Trial Court upon considering the evidences coming on record, proceeded vide Judgment & Order dated 05.04.2013, to draw the following conclusions;

> "22. I have carefully shifted the evidence on record. After careful appreciation of the materials in evidence on record, and keeping in view the position of law and in view of the foregoing discussions in the instant case, it is found that all the prosecution witnesses have implicated the accused person with the offence and the ingredients of offence under sections 420/427/506 have already been proved by the prosecution against the accused person. So, I hold that the prosecution has come with flying colours in bringing home the guilt of the accused, Sri Pranjit Baruah under Sections 420/427/506 of the LPC beyond all reasonable doubt. Accused Pranjit Baruah is therefore convicted under sections 420/427/506 of the IPC."

6. Basing on the said conclusion, the petitioner was convicted under Sections 420/427/506 IPC and was sentenced as follows;

> "25. Considering the facts and circumstances of the case and also considering the gravity and nature of the offence I sentence the accused, Sri Pranjit Baruah under section 420 of the I.P.C to undergo simple imprisonment for 6(six) months and also to pay a fine of Rs.1,000/- (Rupees one thousand) in default of payment of fine the accused shall undergo further simple imprisonment for 2(two) months, under section 427 of the I.P.C to undergo simple imprisonment for 3(three) months and under section 506 of the I.P.C to undergo simple imprisonment for 3(three) months."

7. The matter on being considered by the learned Appellate Court in the appeal preferred by the petitioner, herein, the Appellate Court had drawn the following conclusions;

> "27. There is no legal impediment in convicting a person on the sole testimony of a single witness, but if there is doubt about the testimony, the court will insist on corroboration. It is for the court to act upon the testimony of witnesses. It is not the number, quantity but the quality that is material. The test is whether the evidence has a ring of truth, is cogent, credible and trustworthy or otherwise. On analysis of the factual scenario and on applying the principle of Law, it appears to me that the prosecution has variably proved this case against the accused appellant u/s 420/506 IPC. Although, there is allegation of mischief of torning out the counter foil receipts, but the same could not be produced before the court as exhibits. It is not clear from the evidence whether the counter foil receipts were thrown inside the vehicle or outside of it as at the relevant point of time, the accused was inside his maruti car."

8. On drawing the said conclusion, the learned Appellate Court, proceeded to acquit the appellant from the charge framed against him under Section 427 IPC, however, the conviction of the petitioner under Sections 420/506 IPC by the learned Trial Court was affirmed.

9. I have perused the conclusions drawn both by the learned Trial Court as well as by the learned Appellate Court.

10. On a perusal of the conclusions drawn by the learned Trial Court, this Court finds that the conviction of the petitioner under Section 427 IPC by the learned Trial Court was so ordered without there being any evidence, establishing the offence under Section 427 IPC in respect of the petitioner, herein, and accordingly, the acquittal of the appellant by the learned Appellate Court from the charge framed against him under Section 427 IPC, would not mandate an interference

from this Court. With regard to the conviction of the petitioner under Sections 420/506 IPC, this Court finds that the learned Trial Court as well as the learned Appellate Court have recorded concurrent findings in the matter and on a consideration of the conclusion so drawn by the learned Courts on the said aspect of the matter, in the light of the evidences coming on record, this Court is of the view that the same is supported by the evidences coming on record.

11. Having drawn the said conclusions, this Court finds that the offence alleged against the petitioner was committed by him on 22.01.2008. More than 18 (eighteen) years have lapsed since the date of commission of the said offence. Further, the learned Trial Court had convicted the petitioner under Sections 420/407/506 IPC on 05.04.2013 and more than 13 (thirteen) years have lapsed since the conviction of the petitioner. The present Criminal Revision Petition which has been instituted in the year 2014, is pending before this Court for the last around 12 (twelve) years.

12. Accordingly, considering the long lapse of time occasioning in the matter and also considering the nature of offence alleged against the petitioner, this Court is of the considered view that in lieu of sending the petitioner to undergo imprisonment, the petitioner, herein, is to be

granted the benefit of Section 4 of Probation Of Offenders Act. However, the sentence for payment of fine as imposed by the learned Trial Court is not interfered with.

13. In view of the conclusions reached by this Court, it is directed that the petitioner, herein, shall file 2 (two) sureties to the tune of Rs.10,000/ (Rupee ten Thousand), along with personal bond before the learned Trial Court i.e. learned Chief Judicial Magistrate, Lakhimpur, North Lakhimpur, Assam, and undertake to the effect that the petitioner shall maintain peace and good behavior through the period of 01 (one) year from the date of filing of the personal bond. The aforesaid bond be filed by the petitioner within a period of 01 (one) month from the date of this order. The petitioner shall also deposit the fine amount as ordered by the learned Trial Court.

14. With the above observations and directions, the present Criminal Revision Petition stands disposed of.

15. Send down the records of the case to the learned Trial Court forthwith, along with a copy of this order for information and necessary action.

JUDGE

Comparing Assistant