

GAHC010003402020



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

Case No. : I.A.(Crl.) 33/2020

1:SHAHJAMAL HAQUE
SON OF LATE JALALUDDIN, RESIDENT OF VILLAGE NO.3, SALABILA, P.O.
SALABILA BAZAR, P.S. MANIKPUR, DISTRICT BONGAIGAON, ASSAM, PIN
783392

VERSUS

1:CENTRAL BUREAU OF INVESTIGATION (CBI)
REPRESENTED BY ASSTT. SOLICITOR GENERAL OF INDIA

2:SRI SUDIP ROY
THE THEN IN-CHARGE HOB
CBI
ACB
GUWAHAT

Advocate for the Petitioner : MR Z ALAM

Advocate for the Respondent : SC, CBI

BEFORE
HONOURABLE MRS. JUSTICE RUMI KUMARI PHUKAN

ORDER

Date : 30-07-2020

Heard Mr. Z Alam, learned counsel for the applicant and Mr. SC Keyal, learned standing counsel for CBI assisted by Ms. P Das. They have already filed their objection day before yesterday which is not yet brought on record because the quarantine period is not over.

By way of this Interlocutory Application, the petitioner herein has sought for suspension of sentence passed in Special Case No. 14/2013.

Learned counsel for the petitioner has addressed the court basing on the documents relying by the prosecution and the impugned judgment and order (LCR has been received) that there are lots of discrepancies in the prosecution and the present petitioner has been convicted on the basis of the photocopy of the relevant documents which is not permissible and more so both the accused person who faced the trial and are equally situated but the learned court has passed the conviction and order differently for each of the accused petitioner which is again not in parity. It is pointed out that the present accused petitioner is sentenced under Section 13(2) read with section 13(1)(d) of Prevention of Corruption Act for four years when the equally situated co-accused has been sentenced to rigorous imprisonment for only one year with fine. Similarly, in other offence under Section 468/471/120(b) the sentence of the present accused petitioner is in higher sight in comparison to the other accused and the judgment suffers from severe irregularity and illegality.

I have considered the submission and gone through the documents annexed. There are as many as 866 exhibits and 79 witnesses examined by the prosecution.

Learned counsel for the CBI has also submitted that the other accused is on bail from the trial court itself in view of the lesser amount of conviction and regular hearing of appeal will take much time, there is no serious objection against granting of bail.

Taking note of all above, as the co-accused has already given the different treatment from the trial court, this Court is of the opinion that the present accused should be allowed to go on bail who is already in detention of 7 and ½ months.

Considering all above, the accused person is hereby allowed to go on bail of **Rs.25,000/-** with **one suitable surety** of the like amount, to the satisfaction of the learned trial court.

Accordingly, the Interlocutory Application stands disposed of.

True copy of the order be furnished under the seal and signature of the Court Master.

JUDGE

Comparing Assistant