

GAHC010288552023



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

Case No. : I.A.(Crl.)/1264/2023

DHANIRAM DAS
S/O SRI DAMUDHAR DAS R/O BALIJAN DIGBOI UNDER DIGBOI P.S. DIST.
TINSUKIA ASSAM

VERSUS

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

2:NABANITA GOGOI
W/O SRI MANOJ GOGOI R/O BALIJAN CHRISTIAN BASTI DIGBOI P.S. DIST.
TINSUKIA ASSAM

Advocate for : MRS. P B BORDOLOI
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR.

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 22.12.2023

Heard Ms. P. B. Bordoloi, learned counsel for the applicant.

This application under Section 389(2) of the Code of Criminal Procedure, 1973 has been filed by the applicant, namely, Dhaniram Das, praying for

suspension of execution of sentence imposed on the applicant by the judgment and order dated 27.10.2023 passed by learned Additional Sessions Judge, (FTC-1), Margherita, Tinsukia in Sessions Case No. 05(M)/2016.

The aforesaid judgment and order has been impugned by the present applicant by preferring a connected appeal which has been registered as Criminal Appeal No. 475/2023.

Learned counsel for the petitioner has submitted that the petitioner has been sentenced under Section 354 of the Indian Penal Code for 2(two) years and sentenced under Section 448 of the Indian Penal Code for 6(six) months and he has good grounds for preferring the appeal and considering the limited duration of the sentence imposed on the applicant, if during the pendency of the connected Criminal Appeal, the sentence imposed on the appellant is not suspended then in the event of ultimately getting an order of acquittal in the appeal, he would be highly prejudiced.

Learned Additional Public Prosecutor also, considering the short duration of the sentence imposed of appellant, does not oppose suspension of sentence of the during the pendency connected Criminal Appeal.

Hence, the sentence imposed on the appellant by the impugned judgment shall remain suspended during the pendency of the connected Criminal Appeal and the applicant is allowed to remain on previous bail granted by the Trial Court.

With the above observations, this interlocutory application is hereby disposed of.

JUDGE

Comparing Assistant