

GAHC010009722024



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

**Case No. : I.A.(Crl.)/97/2024**

MD. FAZAR ALI  
S/O LATE KURJAT ALI, R/O KACHOMARI UNDER JAMUGURI POLICE  
STATION, IN THE DISTRICT OF SONITPUR, PIN- 784280, ASSAM.

VERSUS

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

2:MD. ABDUL BASAR  
S/O MD. ABDUL KHALEQ

R/O PANPUR  
KAOMARI  
UNDER JAMUGURI POLICE STATION  
IN THE DISTRICT OF SONITPUR  
PIN- 784280  
ASSAM

**Advocate for the Petitioner** : MR. A K BHUYAN, MS. N CHOUDHURY,MR. M BORAH,MS B  
BORA,MR. A KHOUND,MR A TALUKDAR,MR J DAS

**Advocate for the Respondent** : PP, ASSAM,

Linked Case : Crl.A./30/2024

MD. FAZAR ALI  
S/O LATE KURJAT ALI

R/O KACHOMARI UNDER JAMUGURI POLICE STATION  
IN THE DISTRICT OF SONITPUR  
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Advocate for :  
Advocate for : PP  
ASSAM appearing for THE STATE OF ASSAM AND ANR.

**BEFORE**  
**HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**  
**HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

**ORDER**

**Date : 04.02.2025**  
*(S. Saikia, J)*

Heard Mr. P.K. Deka, learned counsel appearing for the applicant/appellant. Also heard Ms. B. Bhuyan, learned Additional Public Prosecutor appearing for the respondent State and Mr. M.H. Choudhury, learned counsel for the respondent No. 2/informant.

2. This interlocutory application has been filed praying for suspension of the sentence of the applicant/appellant imposed by the Trial Court vide the judgment and order dated 22.12.2023 passed by the learned Sessions Judge, Sonitpur at Tezpur in *Sessions Case No. 105/2012* under Section 302 of the *Indian Penal Code, 1860*.

3. One of the grounds urged before this Court is that the applicant/appellant is about 73 (seventy three) years old and is suffering from various ailments and therefore, considering his age and health condition, the applicant/appellant should be released by suspending the sentence imposed by the Trial Court.

4. The State has already filed their objections.

5. It is also seen that in the accompanying criminal appeal being Criminal Appeal No. 30/2024 filed by the applicant as the appellant against the said judgment and order, there is already a direction to the Registry to prepare the paper book. The paper book however, has not been prepared.

6. Also Mr. M.H. Choudhury, learned counsel appearing for the respondent No. 2/informant has submitted before this Court that vide the impugned judgment in the present Criminal Appeal besides the applicant there were six other co-accused who were acquitted by the said judgment and order and against the said acquittal he, i.e., the informant has preferred an appeal against the acquittal. The Appeal is stated to have been filed on 12.11.2024. He, therefore, submits that this appeal should also be directed to be listed together for hearing.

7. Having heard learned counsel for the parties, at this stage this Court is of the view that a detailed medical report be called for from the jail authorities in

respect of the present status of health condition of the applicant/appellant Md. Fazar Ali who is currently undergoing sentence at the Tezpur Central Jail of Sonitpur district.

8. The jail authorities will arrange for proper medical examination of the applicant and thereafter, a detailed report be placed before the Court through the Office of the learned Additional Public Prosecutor indicating the status of the health and/or the ailments stated to have been suffered by the applicant/appellant

9. List this matter on 25.02.2025.

**JUDGE**

**JUDGE**

**Comparing Assistant**