

GAHC010027382024



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

Case No. : I.A.(Crl.)/61/2026

UTTAM BISWAS
S/O LATE SUSHIL BISWAS
VILL.- JHAPSHABAI PART- IV
P.S.- AGOMANI
DIST.- DHUBRI
ASSAM.

VERSUS

THE STATE OF ASSAM
REP BY THE PP
ASSAM

2:BISHNU BISWAS
S/O LATE CHANTU BISWAS
VILL.- JHAPSHABAI PART- IV
P.S.- AGOMANI
DIST.- DHUBRI
ASSAM
PIN- 783331.

Advocate for : MR. A RAHMAN
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

in Crl.A./230/2024

UTTAM BISWAS
S/O LATE SUSHIL BISWAS, VILL.- JHAPSHABAI PART- IV, P.S.- AGOMANI,
DIST.- DHUBRI, ASSAM.

VERSUS

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S/O LATE CHANTU BISWAS
VILL.- JHAPSHABAI PART- IV
P.S.- AGOMANI
DIST.- DHUBRI
ASSAM
PIN- 783331

Advocate for the Petitioner : MR. A RAHMAN,

Advocate for the Respondent : PP, ASSAM, MR. A DAS (R-2)

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 24/04/2026

(*Michael Zothankhuma, J*)

1. Heard Mr. A. Rahman, learned counsel for the applicant/appellant. Also heard Ms. A. Begum, learned APP, Assam, appearing for the State.
2. This is an application under section 430(2) BNSS for suspending the sentence of the appellant/applicant, who was convicted under section 302/324/447 IPC by the Court of the learned Additional Sessions Judge, Dhubri, in Sessions Case No. 160/2018, for having stabbed the deceased , which resulted in his death.
3. The evidence of PWs- 1, 2 & 4 is to the effect that they had seen the present applicant stabbing the deceased and also injuring PW-2 with the knife.
4. When there are eye witnesses to the crime, besides PW-2 being an injured eye witness, we are not inclined to allow the prayer for suspension of the sentence. Besides,

this matter has been listed for final hearing on 09/06/2026.

5. The application is accordingly rejected.

JUDGE

JUDGE

Comparing Assistant