

GAHC010018992024



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

Case No. : Crl.A./103/2024

RAFIQUE UDDIN
S/O LATE ABDUL MANNAN,
VILL.- BAGARSANGAN, P.O.- KANIBAZAR, P.S.- PATHERKANDI, DIST.-
KARIMGANJ, ASSAM.

VERSUS

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

2:ABDUL MUMIN
S/O LATE IRFAN ALI
VILL.- BAGARSANGAN
P.O.- KANIBAZAR
P.S.- PATHERKANDI
DIST.- KARIMGANJ
ASSAM
PIN- 788724

Advocate for the Petitioner : DR. B AHMED

Advocate for the Respondent : PP, ASSAM

Linked Case : I.A.(Crl.)/344/2024

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Advocate for : DR. B AHMED
Advocate for : appearing for THE STATE OF ASSAM AND ANR.

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 09.04.2024
[M. Choudhury, J]

Heard Mr. A.K. Azad, learned counsel for the appellant and Ms. S.H. Bora, learned Additional Public Prosecutor for the respondent no. 1, State of Assam.

2. This criminal appeal under Section 374[2] of the Code of Criminal Procedure, 1973 has been preferred against the Judgment and Order dated 28.11.2023 passed by the court of learned Additional Sessions Judge, FTC, Karimganj ['the trial court', for short] in Sessions Case no. 77/2010.

3. By the said Judgment and Order dated 28.11.2023, the learned trial court has convicted three accused persons including the accused-appellant for committing offences punishable under Sections 147/302/149, Indian Penal Code

[IPC]. The accused-appellant has been sentenced to undergo imprisonment for life and to pay a fine of Rs. 5,000/-, in default of payment of fine, to undergo simple imprisonment for 2 [two] months under Section 302, IPC read with Section 149, IPC. In addition, the accused-appellant has been sentenced to undergo simple imprisonment for 1 [one] year for offence under Section 147, IPC.

4. The appeal is admitted for hearing.

5. Call for the trial court records of Sessions Case no. 77/2010.

6. Issue notice, returnable in 4 [four] weeks.

7. As Ms. Bora, learned Additional Public Prosecutor has appeared and accepted notice on behalf of the respondent no. 1, issuance of formal notice is dispensed with.

8. The learned counsel for the accused-appellant shall furnish a copy of the memo of appeal along with annexures to Ms. Bora within 2 [two] working days from today.

9. The accused-appellant shall take steps for service of notice upon the respondent no. 2 by registered post with A/D within 3 [three] working days from today.

10. The prayer for consideration of suspension of execution of sentence and for bail will be considered on receipt of the trial court records.

JUDGE

JUDGE

Comparing Assistant