

GAHC010020782026



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

I.A.(CrI.)/361/2026

SRI SANJOY URANG
SON OF LATE JIGRU URANG
RESIDENT OF VILL OUPHALIA ALI KINAR
P.STINGKHONG
DISTRICT- DIBRUGARH
ASSAM
PIN- 786613.

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY P.P.
ASSAM

2:SRI RAM URANG
S/O- LATE BUTU URANG
RESIDENT OF VILL OUPHALIA ALI KINAR
P.S- TINGKHONG
DISTRICTDIBRUGARH
ASSAM
PIN- 786613

Advocate for : MR. JAGANNATH HATIMURIA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 27.07.2026

Heard Mr. M. Kalita, learned counsel for the applicant. Also heard Ms. S.H. Bora, learned Additional Public Prosecutor for the State.

2. By this application, the petitioner has prayed for suspension of the sentence and bail to be granted to the applicant.

3. The applicant was convicted under Section 326 IPC by the learned Sessions Judge, Dibrugarh in Sessions Case No.189/2022, by the judgment and order dated 08.09.2025. Thereafter, the applicant was heard on the sentence and on the same day, i.e. on 08.09.2025, the Court sentenced the petitioner to undergo R.I for a period of 4 (four) years with fine and default stipulation.

4. The case of the prosecution is that the applicant had killed his father with a *dao* on 16.09.2019 at about 6 pm. During trial, the prosecution examined 6 (six) witnesses and after examining the applicant under Section 313 Cr.P.C, the Court convicted and sentenced him as mentioned above.

The learned trial Court had converted the case into 326 IPC and convicted and sentenced the applicant.

5. The learned counsel for the applicant submits that there is no eye witness in the instant case and the conviction was imposed upon the applicant on the basis of circumstances.

6. The learned counsel for the applicant submits that the medical report of the deceased father shows that there was only clean cut wound on the cuff muscle of the right leg of the victim and that the victim died out of shock and as a result of bleeding.

7. He further submits that charges under Section 302 could not be established and the conviction was given under Section 326 IPC. He also submits that sentence was for only 4 (four) years and that the applicant had already been inside the jail for 14 months 10 days

and as such, he submits that during the pendency of the appeal, the applicant be released on bail by suspending the sentence.

8. On the other hand, Ms. S.H. Borah, learned Additional Public Prosecutor for the State submits that the victim had stated before the other witnesses that his son had cut him and as such, she relies on the said oral dying declaration. She also relied on the statement of PW 1, 5 and 6 which shows that the applicant has infact attacked his father and due to the attack, the deceased died in the hospital. She further submits that the applicant had surrendered with the weapon with which he attacked his father i.e. knife.

I have considered the submissions made by the learned counsel for both sides and have gone through the records.

9. It is in the evidence of PW 1 that he heard the commotion in the house of the accused and when he came to the house of the accused, he saw the deceased running out of his house and that he fell down upon reaching to some distance. The deceased/victim was brought back to his house where he made the oral dying declaration.

It is well settled principles of law that in case of oral dying declaration necessary corroboration is required.

10. Be that as it may, since the applicant Sri Sanjoy Urang is sentenced with four years imprisonment, by the order dated 08.09.2025, this Court deems it fit that the sentence be suspended and the applicant named above be released on bail on furnishing bail bond of Rs.20,000/- with one surety of the like amount to the satisfaction of the learned Sessions Judge, Dibrugarh.

11. I.A. stands closed.

JUDGE

Comparing Assistant