

GAHC010023272025



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

Case No. : I.A.(Crl.)/114/2025

RAJU MODAK
S/O LATE GOPAL MODAK, RESIDENT OF CHOTOGUMA, PS GOLAKGANJ,
DIST DHUBRI ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP ASSAM

2:SANKAR KALITA
S/O LATE HEMEN KALITA

RESIDENT OF VILAGE SUNDARISAL
PS KAMALPUR
DIST. KAMRUP
ASSAM 78138

Advocate for the Petitioner : ABU TALEB SARKAR, AMINUR RAHMAN

Advocate for the Respondent : PP, ASSAM,

Linked Case : Crl.A./31/2025

RAJU MODAK
S/O LATE GOPAL MODAK

RESIDENT OF CHOTOGUMA
PS GOLAKGANJ

DIST DHUBRI ASSAM

VERSUS

THE STATE OF ASSAM
REP BY P P ASSAM

2:SANKAR KALITA
S/O LATE HEMEN KALITA

RESIDENT OF VILAGE SUNDARISAL
PS KAMALPUR
DIST. KAMRUP
ASSAM 781382

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

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 02.12.2025

Heard Mr. A.T. Sarkar, learned counsel for the applicant. Also heard Mr. P. Borthakur, learned Public Prosecutor for the State/respondent No.1 and Ms. T. Wapangla, learned counsel for the respondent No. 2.

2. The TCR has been received.
3. The informant as respondent No. 2 was noticed and he has entered appearance through his learned counsel.
4. The learned counsel for the applicant seeks to point out some contradiction and infirmities to the prosecution case, containing further that the conviction is bad in law and facts.

5. The prosecution has filed a written objection and supports the impugned judgment.
6. The learned counsel for the informant/victim's side also supports the impugned judgment and contends that there is no infirmity therein.
7. During the course of hearing, it transpires that the victim was supposedly a challenged person by way of disabilities in the area of hearing and speaking.
8. The learned counsel for the applicant submits that after the judgment, he is being custody for 11(eleven) months and earlier, he also undergone under trial detention for 5(five) months.
9. The learned Registry is requested to kindly place before this Court a data regarding the total number of single bench criminal appeal pending so as to determine how the present appeal registered in 2025 stands in the said queue. It is also necessary for the purpose of adjudicating such interlocutory application seeking suspension of sentence.
10. List on 18.12.2025.

JUDGE

Comparing Assistant