

GAHC010039332023



undefined

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

Case No. : I.A.(CrI.)/144/2023

HITESH BARMAN
S/O SWATI BARMAN
R/O DOLOIGAON
BHATIPARA
P.S. AND DIST.- BONGAIGAON
ASSAM.

VERSUS

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

2:KALPANA GHOSH
W/O CHITU GHOSH

VILL.- BHAKARIVITA

P.O.- BHAKARIVITA

P.S. AND DIST.- BONGAIGAON
ASSAM
PIN- 783380.

Advocate for : MR. A R SIKDAR
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR.

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

07.05.2026

(M. Zothankhuma, J)

Heard Mr. M.U. Mahmud, learned counsel for the applicant/appellant. Also heard Ms. B. Bhuyan, learned Additional Public Prosecutor for the State and Ms. M. Pathak, learned Amicus Curiae for the respondent no.2.

This is an application under Section 389 Cr.P.C for suspension of the sentence passed in pursuant to the impugned judgment dated 10.01.2023 by the learned Special Judge, Bongaigaon, in Special (P) Case No.13 (BGN)/2020, arising out of Bongaigaon P.S. Case No.04/2020, convicting the applicant/appellant under Section 376(3) IPC read with Section 4 of the POCSO Act. The sentence has been awarded under Section 376(3) IPC only in view of Section 42 of the POCSO Act.

At the outset, it has been mentioned by the parties that Paper Book has been received by them and the appeal is ready for hearing. As the appeal is fixed for hearing on 19.05.2026, the parties submit that it would be best if the interlocutory application is closed, as the rights of the parties would be known at the time of the disposal of the main appeal.

On considering the submissions made by the learned counsels for the parties, the I.A.(Cri.) is accordingly closed, due to the reasons stated above.

JUDGE

JUDGE

Comparing Assistant