

GAHC010294782023



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

I.A.(CrI.)/204/2024

ROMEN KUMAR AND ANR.
S/O SURESH PRASAD YADAB
VILL.- GAUSHALA CHOWK KATIHAR
P.O. AND P.S.- KATIHAR
DIST.- KATIHAR
BIHAR.

2: AMMA DEVI
W/O SUBHASH SINGH

VILL.- HARIMAR
P.S.- HARIMAR
DIST.- MUNGER
BIHAR.
VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE P.P.
ASSAM.

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

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

05.04.2024

Heard Mr. M.A. Choudhury, learned counsel for the applicants-appellants and Ms. N. Das, learned Additional Public Prosecutor, Assam for the opposite party.

The instant interlocutory application under Section 389, Code of Criminal Procedure [CrPC], 1973 is preferred by the applicants-appellants seeking suspension of the execution of the sentence passed against them in Special Court in Special [NDPS] Case no. 125/2022 by the learned Sessions Judge, Karimganj as the Special Court in Special [NDPS] Case no. 125/2022. By the said Judgment and Order dated 22.11.2023, whereby the applicants-appellants have been convicted under Sections 20[b][ii][C]/29 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 and they have been sentenced to undergo rigorous imprisonment for 10 [ten] years each and to pay a fine of Rs. 1,00,000/- each, in default of payment of fine, to undergo simple imprisonment for 1 [one] year each. The applicants-appellants have also prayed for their release on bail.

Issue notice, returnable in 4 [four] weeks.

As Ms. Das, learned Additional Public Prosecutor, Assam has appeared and accepted notice on behalf of the State respondent, issuance of formal notice to the respondent is dispensed with. However, the learned counsel appellants shall furnish requisite nos. of memo of appeal and the annexures within 3 [three] days from today.

Ms. Das, learned Additional Public Prosecutor, Assam for the opposite party has prayed for 3 [three] weeks' time to file objection to the interlocutory application filed by the applicants-appellants.

The prayer made by Ms. Das is allowed.

Such objection shall be filed on or before the next date of listing.

The prayer for release on bail to the applicants-appellants will be considered on receipt of the trial court record, as already called for in the connected appeal.

List the case after 4 [four] weeks.

JUDGE

Comparing Assistant