

GAHC010055432021



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

Case No. : Crl.Rev.P./98/2021

DR. TARUN CH. SARMA
EX. PRINCIPAL, UTTAR KAMPITH MAHAVIDYALAYA (SR), JAGARA, R/O
NALBARI TOWN, BIDYAPUR, WARD NO.-3, P.O., DIST-NALBARI (ASSAM)

VERSUS

SAJJAN SUREKA AND 2 ORS
S/O LT. GOURI SHANKAR SUREKA, R/O N.T. ROAD, NALBARI, WARD NO. 9,
NALBARI MUNICIPALITY, DIST-NALBARI (ASSAM), PIN-781335

2:UTTAR KAMPITH MAHAVIDYALAYA (SR)
JAGARA
REPRESENTED BY ITS PRINCIPAL AND SECRETARY
UTTAR KAMPITH MAHAVIDYALAYA (SR)
JAGARA
P.O.-JAGARA
P.S.-NALBARI
DIST-NALBARI (ASSAM)
PIN-781310

3:PRINCIPAL AND SECRETARY
UTTAR KAMPITH MAHAVIDYALAYA (SR)
JAGARA
P.O.-JAGARA
P.S.-NALBARI
DIST-NALBARI (ASSAM)
PIN-78131

Advocate for the Petitioner : MR. S N KRISHNATRAYA

Advocate for the Respondent :

**BEFORE
HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN**

ORDER

24-03-2021.

Heard the learned counsel for the petitioner and also the learned Additional Public Prosecutor for the State respondents.

Attention has been drawn to the impugned order dated 17.12.2020, passed by the learned CJM, Nalbari, in NI Act Case No.41/2015, under Section 138 of the NI Act, wherein, although the learned trial Court acquitted the accused petitioner (present) from the charge, and held the accused No.1 guilty under Section 138 of the NI Act, but has directed that in default of payment of fine, the accused No.2/Dr Pankaj Kumar Roy, the accused No.3/the present petitioner, present Principal and the earlier Principal of the Uttar Kampith Mahavidyalaya, Jagara, shall undergo SI for 3 (three) months each. Such a finding of the learned trial Court has now been challenged by the present petitioner.

Let a notice be issued to the respondent by registered post with A/D and by usual procedure, returnable by 4 (four) weeks.

Call for the LCR.

Considering all entirety of the matter, impugned order dated 17.12.2020, passed by the learned trial Court, so far as regards the execution of sentence as against the present petitioner, is hereby kept in abeyance, till disposal of the petition.

JUDGE

Comparing Assistant