

GAHC010057402026



2026:GAU-AS:4546-DB

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

Case No. : I.A.(Crl.)/324/2026

SAHABUDDIN ALOM
S/O MD. ISAMUL, R/O VILL. BISANPUR, WARD NO 4, P.O. DEVPURA, P.S.
NAWKOTHI, DIST. BEGUSARAI, DIST. BIHAR, PIN 848201

2: SIKANDER KUMAR
S/O GANGA RAM
R/O VILL. BISANPUR
WARD NO. 3
P.O. DEVPUR
P.S. NAWKOTHI
DIST. BEGUSARAI
STATE- BIHAR
PIN 848201

3: SANTOSH KUMAR

S/O RAMJI RAM
R/O VILL. BISANPUR
WARD NO. 3
P.O. DEVPURA
P.S. NAWKOTHI
DIST. BEGUSARAI
STATE BIHAR
PIN 84820

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. P K DAS, MR. M BARUAH, MR. N G KUNDU, S
AHMED, MR. P K ROYCHOUDHURY

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 30.03.2026

(Kaushik Goswami, J)

Heard Mr. P. K. Roychoudhury, learned counsel appearing for the applicants. Also heard Mr. R. R. Kaushik, learned Additional Public Prosecutor appearing for the respondent.

2. By way of this interlocutory application filed under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023"), the applicants, namely Sahabuddin Alom, Sikander Kumar and Santosh Kumar, seek suspension of the execution of the sentence imposed upon them by judgment and order dated 30.04.2025, along with a prayer for their release on bail.

3. By the said judgment and order dated 30.04.2025, the learned Sessions Judge, Kokrajhar, in Sessions Case No. T1/06/2019 arising out of Kokrajhar P.S. Case No. 490/2018, convicted the applicants under Section 302 read with Section 34 of the Indian Penal Code (hereinafter referred to as the "IPC") and sentenced each of them to undergo imprisonment for life, along with a fine of Rs. 10,000/-, each, and in default of payment of fine, to suffer rigorous imprisonment for a further period of six months.

4. It is pertinent to note that earlier, by filing I.A. (Crl.) No. 588/2025, the applicants had sought suspension of the impugned judgment and grant of bail; however, the said application was rejected by this Court by order dated 05.02.2026. The present application is thus a second attempt seeking the same relief under Section 430 of the BNSS, 2023.

5. Mr. P. K. Roychoudhury, learned counsel for the applicants, submits that the applicants remained on bail throughout the trial and neither misused their liberty nor attempted to abscond or tamper with evidence. It is further contended that the Investigating Officer failed to carry out essential forensic examinations, including fingerprint and forensic analysis of the alleged weapon, which could have clarified the cause and manner of death and possibly excluded the involvement of the applicants.

6. *Per contra*, Mr. R. R. Kaushik, learned Additional Public Prosecutor, submits that the prosecution has successfully established the chain of circumstantial evidence, particularly through the testimonies of PW-1 and PW-2. It is further contended that the presence of the applicants at the place of occurrence, coupled with their conduct in attempting to flee, clearly establishes their guilt.

7. We have considered the submissions advanced by learned counsel for the parties and perused the materials available on record.

8. It appears that this Court, while rejecting the earlier application by order dated 05.02.2026, had taken note of the absence of any explanation from the applicants regarding the fatal injury sustained by

the deceased.

9. In the present application, no change in circumstances has been demonstrated so as to warrant reconsideration. It is also to be borne in mind that the applicants stand convicted under Section 302 of the IPC and have been sentenced to imprisonment for life. The materials on record, prima facie, indicate that the prosecution has established their guilt.

10. It is settled law that mere non-misuse of liberty during trial does not, by itself, entitle a convict to suspension of sentence. What is required is the existence of cogent and substantial reasons justifying such suspension. Reference in this regard is made to the decisions of the Apex Court in the case of ***Omprakash Sahni v. Jai Shankar Chaudhary and Anr.***, reported in ***(2023) 6 SCC 123***, and ***Sidhartha Vashisht @ Manu Sharma v. State (NCT of Delhi)***, reported in ***(2008) 5 SCC 230***.

11. In the present case, no such reasons have been made out. On the contrary, it is noted that the paper book has already been prepared and furnished to learned counsel for the parties, and the connected criminal appeal is ready for hearing. The appeal has been listed for hearing on 06.05.2026 by a separate order, at the request of the learned counsels appearing for the parties, and is thus, likely to be disposed of within a reasonable proximate timeframe.

12. Having regard to the seriousness and gravity of the offence, the manner in which the crime is alleged to have been committed, and the absence of any change in circumstances, we are of the considered

view that no case has been made out for suspension of sentence or grant of bail. Accordingly, the interlocutory application stands dismissed.

JUDGE

JUDGE

Comparing Assistant