

GAHC010059302024



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

Case No. : I.A.(Crl.)/381/2024

MONIRUDDIN AND ANR.
S/O LATE AKKASH ALI
VILL.- LATANI CHAPORI
P.S.- RUPAHIHAT
DIST.- NAGAON
ASSAM.

2: MOHAMMAD ALI
S/O LATE AKKASH ALI
VILL.- LATANI CHAPORI
P.S.- RUPAHIHAT
DIST.- NAGAON
ASSAM.

VERSUS

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

2: ABBAS ALI
S/O ZINNAT ALI
VILL.- LATANI CHAPORI
P.S.- RUPAHIHAT
DIST.- NAGAON
ASSAM.

Advocate for : MR. Y S MANNAN
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR.

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

01.05.2024

[M. Choudhury, J.]

Heard Mr. Y. Mannan, learned counsel for the applicants-appellants and Ms. S.H. Bora, learned Additional Public Prosecutor for the opposite party-respondent no. 1, State of Assam.

The instant interlocutory application under Section 389 of the Code of Criminal Procedure is preferred by the applicant-appellants for seeking suspension of execution of the sentence passed against the applicant-appellants and for their release on bail.

The applicants as the appellants, have preferred the connected appeal, Criminal Appeal No. 113/2024 and the said appeal has been preferred against a Judgment and Order dated 25.01.2024, passed by the learned Sessions Judge, Nagaon in Sessions [T-1] Case No. 14[N]/2014. By the said Judgment and Order dated 25.01.2024, the applicants-appellants have been convicted for the offences punishable under Sections 302/34 of the Indian Penal Code [IPC] and they have sentenced to undergo rigorous imprisonment for life and to pay a fine of Rs. 20,000/- each, in default of payment of fine, to undergo simple imprisonment for another 6 [six] months.

Issue notice, returnable in 4 [four] weeks.

As Ms. Bora, learned Additional Public Prosecutor, Assam has appeared and accepted notice on behalf of the opposite party no. 1, State of Assam, issuance of formal notice to the opposite party no. 1 is dispensed with.

The accused-appellants shall take steps for service of notice upon the opposite party-respondent no. 2, by registered post with A/D as well as by usual process, within 3 [three] working days.

The prayer for suspension of execution of the sentence will be considered on receipt of the records of the learned trial court.

List the case after 4 [four] weeks.

The learned Additional Public Prosecutor may file objection to the instant interlocutory

application on or before returnable date, if so advised.

JUDGE

JUDGE

Comparing Assistant