

GAHC010064422026



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

Case No. : I.A.(Crl.)/346/2026

SRI SARAT PHUKAN
SON OF LATE UMA PHUKAN
RESIDENT OF VILLAGE- AKHAIYA GAON
P.S.- MORANHAT
DISTRICT- CHARAIDEO
ASSAM
PIN-785673

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

2:SMTI MOUSUMI BARUAH
W/O- SRI BADHIN BARUAH R/O- VILLAGE- AKHOYA GAON
P.S.- MORANHAT
DISTRICT- CHARAIDEO
ASSAM.

Advocate for : U SWARGIARY

Advocate for : PP

ASSA appearing for THE STATE OF ASSAM AND ANR.

In Crl.A./124/2026

SRI SARAT PHUKAN
SON OF LATE UMA PHUKAN, RESIDENT OF VILLAGE- AKHAIYA GAON,
P.S.- MORANHAT, DISTRICT- CHARAIDEO, ASSAM, PIN-785673

VERSUS

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R/O- VILLAGE- AKHOYA GAON
P.S.- MORANHAT
DISTRICT- CHARAIDEO
ASSAM

Advocate for the Petitioner : U SWARGIARY, MR. R BURAGOHAIN,MR. B PHUKAN
Advocate for the Respondent : PP, ASSAM,

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

ORDER

Date : 01/04/2026
(Michael Zothankhuma, J)

1. Heard Mr. B. Phukan, Learned Counsel for the applicant/appellant. Also heard Mr. R. R. Kaushik, Learned APP, Assam, appearing for the State.
2. This is an application for suspending the sentence imposed upon the applicant/appellant pursuant to his conviction under section 376 AB IPC, vide the judgement and order dated 13/02/2026 passed by the Court of the learned Special Judge, Charaideo, in Special (POCSO) Case No. 23/2018.
3. In view of the impugned judgement and order being set aside and the matter being remanded to the learned Trial Court, there is no sentence to be suspended in this case. The question of whether the applicant/appellant should be granted bail may be agitated before the learned Trial Court.
4. IA is accordingly closed in terms of the order passed in the main case.

JUDGE

JUDGE

Comparing Assistant