

GAHC010067782024



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

Case No. : I.A.(Crl.)/408/2024

MOKLISH AHMED BARBHUIYA
S/O ABIDUR RAHMAN BARBHUIYA
VILL.- DHONEHARI PT. I
P.S.- SONAI
DIST.- CACHAR
ASSAM.

VERSUS

STATE OF ASSAM
REP. BY P.P.
ASSAM.

Advocate for : MR D TALUKDAR
Advocate for : PP
ASSAM appearing for STATE OF ASSAM

Linked Case : Crl.A./122/2024

MOKLISH AHMED BARBHUIYA
S/O ABIDUR RAHMAN BARBHUIYA,
VILL.- DHONEHARI PT. I, P.S.- SONAI, DIST.- CACHAR, ASSAM.

VERSUS

STATE OF ASSAM
REP. BY P.P., ASSAM.

Advocate for the Petitioner : MR D TALUKDAR, MR. P DAIMARY,MR. R. KARIM,J
MEDHI,MS. N M LONGKENG,MS P SAIKIA,MR P CHOUDHURY,MR. K MOHAMMED

Advocate for the Respondent : PP, ASSAM,

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

ORDER

Date : 27.02.2026
(M. Zothankhuma, J)

Mr. P.K. Deka, learned counsel appears for the applicant-appellant, while Ms. B. Bhuyan, learned Sr. Counsel and Addl. P.P. appears for the State.

2. This is an application under Section 389(2) of Cr.P.C. for suspending the sentence inflicted upon the applicant-appellant pursuant to the Judgment dated 24.01.2024 and sentence order dated 30.01.2024, passed by the learned Sessions Judge, Cachar, Silchar in Sessions Case No.103/2016, convicting the applicant-appellant under Section 302 of IPC.

3. On a perusal of the evidence, it appears that there are eye witnesses to the incident implicating the applicant-appellant.

4. The learned counsel for the applicant-appellant submits that in view of the paper book having been furnished to him and to the learned Addl. P.P., the matter can be listed for hearing and he would not like to press this application under Section 389(2) of Cr.P.C.

5. On account of the submission made by the learned counsel for the

applicant-appellant, the I.A. stands dismissed as not pressed.

JUDGE

JUDGE

Comparing Assistant