

GAHC010071302024



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

Case No. : Crl.A./104/2024

MD. JE HARUL ALI
S/O RAFIK ALI,
VILL.- MADHAPUR, P.O.- MADHAPUR, P.S.- BARAMA, DIST.- BAKSA,
ASSAM, PIN- 781346.

VERSUS

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

Advocate for the Petitioner : MR Z KAMAR

Advocate for the Respondent : PP, ASSAM

Linked Case : I.A.(Crl.)/345/2024

MD. JE HARUL ALI
S/O RAFIK ALI
VILL.- MADHAPUR
P.O.- MADHAPUR
P.S.- BARAMA
DIST.- BAKSA
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VERSUS

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

Advocate for : MR Z KAMAR
Advocate for : appearing for THE STATE OF ASSAM

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

ORDER

Date : 09.04.2024
[M. Choudhury, J]

Heard Mr. T. Chakraborty, learned counsel for the appellant and Ms. S. Jahan, learned Additional Public Prosecutor for the respondent, State of Assam.

2. This criminal appeal under Section 374[2] of the Code of Criminal Procedure, 1973 has been preferred against the Judgment and Order dated 07.03.2024 passed by the court of learned Sessions Judge, Baksa, Assam [‘the trial court’, for short] in Sessions Case no. 82/2022.

3. By the said Judgment and Order dated 07.03.2024, the learned trial court has convicted two accused persons including the accused-appellant for committing offences punishable under Sections 302/365/34, Indian Penal Code [IPC]. The accused-appellant has been sentenced to undergo rigorous imprisonment for life and to pay a fine of Rs. 2,000/-, in default of payment of fine, to undergo simple imprisonment for another 6 [six] months for the offence under Sections 302/34, IPC. For the offence under Section 365/34, IPC, the

accused-appellant has been sentenced to undergo rigorous imprisonment for 3 [three] years and to pay a fine of Rs. 2,000/-, in default of payment of fine, to undergo simple imprisonment for another 3 [three] months.

4. The appeal is admitted for hearing.

5. Call for the trial court records of Sessions Case no. 82/2022.

6. Issue notice, returnable in 4 [four] weeks.

7. As Ms. Jahan, learned Additional Public Prosecutor has appeared and accepted notice on behalf of the respondent, issuance of formal notice is dispensed with.

8. The learned counsel for the accused-appellant shall furnish a copy of the memo of appeal along with annexures to Ms. Jahan within 2 [two] working days from today.

9. The prayer for consideration of suspension of execution of sentence and for bail will be considered on receipt of the trial court records.

JUDGE

JUDGE

Comparing Assistant