

GAHC010081682024



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

Case No. : CrI.A./190/2024

KAMAL UDDIN MAZUMDAR AND 6 ORS
S/O LATE ABDUL SOID MAZUMDAR,
VILL.- LAKHINAGAR PART- I, P.S.- HAILAKANDI, DIST.- HAILAKANDI,
ASSAM, PIN- 788164.

2: AYNUL HAQUE LASKAR
S/O ABDUL JALIL LASKAR

VILL.- LAKHINAGAR PART- I
P.S.- HAILAKANDI
DIST.- HAILAKANDI
ASSAM
PIN- 788164.

3: FAKRUL ISLAM LASKAR
S/O MUJOMIL ALI LASKAR

VILL.- LAKHINAGAR PART- I
P.S.- HAILAKANDI
DIST.- HAILAKANDI
ASSAM
PIN- 788164.

4: ANWAR HUSSAIN LASKAR
S/O MUJOMMIL ALI LASKAR

VILL.- LAKHINAGAR PART- I
P.S.- HAILAKANDI
DIST.- HAILAKANDI
ASSAM
PIN- 788164.

5: NIZAM UDDIN MAZUMDER
S/O LATE ABDUL SOID MAZUMDAR

VILL.- LAKHINAGAR PART- I
P.S.- HAILAKANDI
DIST.- HAILAKANDI
ASSAM
PIN- 788164.

6: ASAB UDDIN MAZUMDER
S/O LATE ABDUL SOID MAZUMDAR

VILL.- LAKHINAGAR PART- I
P.S.- HAILAKANDI
DIST.- HAILAKANDI
ASSAM
PIN- 788164.

7: ANAM UDDIN MAZUMDER
S/O LATE ABDUL SOID MAZUMDAR

VILL.- LAKHINAGAR PART- I
P.S.- HAILAKANDI
DIST.- HAILAKANDI
ASSAM
PIN- 788164

VERSUS

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

2:JUBEDA BIBI MAZUMDER
S/O LATE ABDUL SOID MAZUMDAR

VILL.- LAKHINAGAR PART- I
P.S.- HAILAKANDI
DIST.- HAILAKANDI
ASSAM
PIN- 788164

Advocate for the Petitioner : MR B KAUSHIK

Advocate for the Respondent : PP, ASSAM

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

ORDER

Date : 19.06.2024

[Manish Choudhury, J.]

Heard Mr. B. Kaushik, learned counsel for the accused-appellant and Mr. K.K. Das, learned Additional Public Prosecutor for the respondent no. 1, State of Assam.

2. This instant criminal appeal under Section 374 [2] Code of Criminal Procedure, 1973 is directed against a Judgment dated 22.02.2024 and an Order on sentence dated 26.02.2024 passed by the learned Sessions Judge, Hailakandi in Sessions Case no. 10/2018. By the Judgment and Order on sentence, the accused-appellants have been convicted for the offences under Sections 148/149/302, Indian Penal Code [IPC]. They have been sentenced to undergo imprisonment for 3 [three] years under Section 148, IPC. For the offences under Sections 302/149, IPC, the accused-appellants are sentenced to undergo rigorous imprisonment for life each and to pay a fine of Rs.20,000/- each, in default of payment of fine, to undergo further rigorous imprisonment for 1 [one] year each. The sentences are ordered to run concurrently.

3. The appeal is admitted for hearing.

4. The case records of Sessions Case no. 10/2018 be called for.

5. Office to appoint Ms. Rita Das Mozumdar from the panel of Amicus Curiae to represent the accused-appellant. The Amicus Curiae, so appointed, be furnished with the case papers.

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

7. As Mr. Das, learned Additional Public Prosecutor has appeared and accepted notice on behalf of the respondent no. 1, State of Assam, issuance of formal notice to the respondent no. 1 stands dispensed with.

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

9. List the case after 4 [four] weeks.

JUDGE

JUDGE

Comparing Assistant