

GAHC010074332024



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

Case No. : I.A.(Cri.)/416/2024

BIKI RABHA AND 3 ORS.
W/O RAJEN RABHA
VILL.- RAJAPARA
P.S.- PALASHBARI
DIST.- KAMRUP
ASSAM.

2: URMILA RABHA
W/O BANTIRAM RABHA

VILL.- RAJAPARA
P.S.- PALASHBARI
DIST.- KAMRUP
ASSAM.

3: MALAYA RABHA
W/O BARUN RABHA

VILL.- RAJAPARA
P.S.- PALASHBARI
DIST.- KAMRUP
ASSAM.

4: JANAKI RABHA
S/O HAREN RABHA

VILL.- RAJAPARA
P.S.- PALASHBARI
DIST.- KAMRUP
ASSAM.
VERSUS

THE STATE OF ASSAM
REP. BY P.P.

ASSAM.

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

Linked Case : CrI.A./125/2024

SONDEV RABHA AND 9 ORS.
S/O LT. BALAM RABHA,
VILL.- RAJAPARA, P.S.- PALASHBARI, DIST.- KAMRUP, ASSAM.

2: PRASEN RABHA
S/O LT. CHAKRADHAR RABHA

VILL.- RAJAPARA
P.S.- PALASHBARI
DIST.- KAMRUP
ASSAM.

3: NIKU RABHA
S/O LT. NIRJU RABHA

VILL.- RAJAPARA
P.S.- PALASHBARI
DIST.- KAMRUP
ASSAM.

4: PHATIK KACHARI @ RABHA @ PHORTIK
S/O GANESH KACHARI

VILL.- RAJAPARA
P.S.- PALASHBARI
DIST.- KAMRUP
ASSAM.

5: NIRANJAN @ NIREN RABHA
S/O BANGSHI RABHA

VILL.- RAJAPARA
P.S.- PALASHBARI
DIST.- KAMRUP
ASSAM.

6: BIPUL RABHA

S/O LT. BUDHAN CH. RABHA

VILL.- RAJAPARA
P.S.- PALASHBARI
DIST.- KAMRUP
ASSAM.

7: BIKI RABHA
W/O RAJEN RABHA

VILL.- RAJAPARA
P.S.- PALASHBARI
DIST.- KAMRUP
ASSAM.

8: URMILA RABHA
W/O BANTIRAM RABHA

VILL.- RAJAPARA
P.S.- PALASHBARI
DIST.- KAMRUP
ASSAM.

9: MALAYA RABHA
W/O BARUN RABHA

VILL.- RAJAPARA
P.S.- PALASHBARI
DIST.- KAMRUP
ASSAM.

10: JANAKI RABHA
S/O HAREN RABHA

VILL.- RAJAPARA
P.S.- PALASHBARI
DIST.- KAMRUP
ASSAM

VERSUS

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

Advocate for the Petitioner : MR Z KAMAR, MR S J CHOUDHURY,MS T K SHARMA,U
DOLEY,MR P CHOUDHURY,MR D TALUKDAR

Advocate for the Respondent : PP, ASSAM,

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

ORDER

Date : 23.04.2026
(M. Zothankhuma, J)

Heard Mr. Z. Kamar, learned Sr. Counsel for the applicants/appellants. Also heard Ms. A. Begum, learned Addl. P.P., Assam appearing for the State.

2. This is an application under Section 389(2) Cr.P.C. praying for suspension of the sentence imposed upon the applicants/appellants on account of their conviction under Sections 302/201/34 IPC by the Court of the learned Sessions Judge, Kamrup, Amingaon in Sessions Case No.194/2014 vide Judgment dated 08.02.2024.

3. The case of the applicants/appellants is that they had killed the deceased husband and wife on the suspicion that they were witches.

4. After hearing the learned Sr. Counsel for the applicants/appellants at length, we are of the view that as there is evidence adduced by eyewitnesses to the crime in question and a date has been fixed for final hearing of the appeal which is 19.05.2026, the prayer of the applicants/appellants cannot be allowed at this stage.

5. The application is accordingly dismissed.

JUDGE

JUDGE

Comparing Assistant