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

Case No. : I.A.(Crl.)/923/2026 in Crl.Rev.P./456/2026

MD. MAZIDUL ISLAM
S/O JAHIDUL ISLAM
R/O VILL.- KHANDARPAR
P.S.- BARPETA
DIST.- BARPETA
ASSAM
PIN- 781252.

VERSUS

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

2:MAZEDA KHATUN
W/O SIDDIQUE ALI
R/O VILL.- KHANDARPAR
P.S.- HOWLY
DIST.- BARPETA
ASSAM.

Advocate for : MR. VIKRAM ADITYA CHOWDHURY
Advocate for : MR. M ALAMGEER (R-2) appearing for THE STATE OF ASSAM
AND ANR.

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

14.09.2026

Heard Mr. V.A. Chowdhury, learned counsel for the applicant. Also heard Mr. P.

Borthakur, learned Additional Public Prosecutor, Assam, appearing for the State respondent No.1 and Mr. M. Alamgeer, learned counsel for the respondent No.2.

In this application under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, the petitioner has prayed for suspension of execution of the sentence in the judgment and order dated 14.07.2025, passed by the learned Additional Sessions Judge, Barpeta, in Criminal Appeal No.29/2024, whereby the learned Additional Sessions Judge, Barpeta, has upheld the judgment and order of conviction dated 29.08.2024, passed by the learned Additional Chief Judicial Magistrate, Barpeta, in N.I. Case No.123/2022. It is also to be noted here that vide impugned judgment and order dated 29.08.2024, the learned Additional Chief Judicial Magistrate, Barpeta, has convicted the petitioner herein under Section 138 of the N.I. Act and sentenced him to suffer rigorous imprisonment for 2(two) months and also to pay a sum of Rs.7,50,000/- as fine to the complainant, the respondent No.2 herein.

Mr. Chowdhury, learned counsel for the applicant submits that since the connected criminal revision petition has already been admitted and the record has been called for, there is a requirement of suspension of sentence so handed down by the learned Trial Court and that the applicant has been allowed to remain on previous bail by the learned Trial Court.

Accordingly, taking note of the submission of learned counsel for both the parties, the sentence so handed down by the learned Trial Court, stands suspended till disposal of the criminal revision petition.

Mr. Chowdhury further apprised this Court that the learned Trial Court has issued non-bailable warrant of arrest against the present applicant and as such, there is a requirement of staying execution of the said non-bailable warrant of arrest issued against the present applicant.

Accordingly, taking note of the submission of learned counsel for the applicant, it is provided that the non-bailable warrant of arrest issued against the present applicant vide orders dated 30.10.2025 and 30.12.2025 in N.I. Case No.123/2022 shall be kept in abeyance till disposal of the revision petition.

In terms of above, the I.A. stands disposed of.

Sd/- *Robin Phuikan*
JUDGE

Comparing Assistant