

GAHC010122092026



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

Case No. : I.A.(CrI.)/670/2026

SHRI JOYNATH DAS
S/O RAMEDHAR DAS, R/O TIPLING BORAGADHOI GAON, P.O. JALONI
DIBRUDUWAR, P.S. DULIAJAN, DISTRICT DIBRUGARH, ASSAM-786602.

VERSUS

SMTI PUNYA SAIKIA
W/O SRI GAUTAM SAIKIA, R/O NO. 15 JALONI GRANT, P.O. JALONI
DIBRUDUWAR, P.S. DULIAJAN, DISTRICT DIBRUGARH, ASSAM.

Advocate for the Petitioner : MR. R S MISHRA, MS B SARMA, MS. M DEY

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 26-06-2026

Heard Ms. B. Sarma, learned counsel for the applicant.

By way of this Interlocutory Application, the revision petitioner, invoking the powers under 430 BNSS, is seeking suspension of sentence and bail.

The revision petitioner, Mr. Joynath Das, has invoked the revisional

jurisdiction of this Court under section 442 read with section 438 BNSS, aggrieved by judgment and order dated 01.10.2022 passed by learned Sessions Judge, Dibrugarh in Criminal Appeal No. 28(2) of 2018, whereby the judgment and sentence dated 27.04.2018 passed by learned CJM, Dibrugarh in CR (NI) Case No. 79 of 2014 was upheld and confirmed.

By the said judgment, the learned Trial court had convicted the petitioner under Section 138 of the NI Act 1881 and sentenced him to undergo SI for 3 months and fine of Rs. 4 lakhs, in default, SI for 1 month.

The learned counsel submits that in the meantime, the parties have entered into an agreement whereby the financial liability was discharged. However, due to the judgment and sentence, he was arrested on warrant and presently in custody, serving out the sentence.

Mr. S. Upadhyay, learned counsel enters appearance on behalf of the sole respondent/complainant and submits that complainant has no objection to grant of bail and that the parties have arrived at a settlement.

In view of the aforesaid developments, pending disposal of the criminal revision, the execution of the sentence dated 01.10.2022 passed by the learned Sessions Judge, Dibrugarh in Criminal Appeal No. 28(2)/2018 upholding and affirming the judgment dated 27.04.2018 passed by the learned CJM, Dibrugarh in CR (NI) Case No. 79C/2014 shall remain suspended and the petitioner is hereby allowed to go on bail of Rs. 20,000/- with one surety of the like amount to the satisfaction of the learned Court below and subject to the condition that he shall co-operate with the process of the Court.

The IA stands disposed of.

JUDGE

Comparing Assistant