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

Case No. : Crl.Rev.P./402/2025

SRI NANI GOPAL GOSWAMI
S/O SRI KRISHNA GOPAL GOSWAMI, R/O HOUSE NO. 11, BAIKUNTHAPUR
PATH, BYE-LANE NO. 3, PS.-NOONMATI, DIST.-KAMRUP (M), ASSAM.

VERSUS

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

2:M/S ARUNA TEXTILES
REP. BY - SRI BINOD AGARWAL
S/O LATE SHIVLAL AGARWAL
S.R.C.B. ROAD
FANCY BAZAR
P.S.- PANBAZAR
DIST.- KAMRUP (M)
ASSAM

Advocate for the Petitioner : AMIT KUMAR DAS,

Advocate for the Respondent : ,

Linked Case : I.A.(Crl.)/1090/2025

SRI NANI GOPAL GOSWAMI
S/O SRI KRISHNA GOPAL GOSWAMI
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Advocate for : AMIT KUMAR DAS
Advocate for : appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 24.09.2025

Heard Mr. S. Das, learned counsel for the applicant.

2. The instant interlocutory application is preferred seeking suspension of execution of the sentence passed against the applicant-appellant and for his release on bail.

3. The applicant as the appellant has preferred the accompanying revision, Criminal Revision Petition No. 402/2025 against a Judgment dated 26.04.2024

passed by the Court of learned Additional Sessions Judge No. 1, Kamrup(M) at Guwahati in Criminal Appeal No. 38/2022 upholding the judgment and order dated 15.03.2022 passed by the learned JMFC, Kamrup(M), Guwahati, convicting the applicant under Section 138 of N.I. Act, 1881 and sentencing the applicant to undergo S/I for 6 months and further to pay compensation of Rs.3,70,000/- and i/d of payment of compensation, S/I for another two months.

4. The learned counsel appearing for the applicant submits that upon upholding of the conviction and sentence by the learned appellate court, it was not informed to him by the earlier counsel and subsequently, the applicant was arrested on warrant and he is serving out the sentence since 19.05.2025.

5. Upon considering the matter, I am of the view that the present criminal revision is not heard immediately and there is also ensuing autumn break – therefore, considering the nature of the sentence, it is required to be suspended, thereby granting bail to the applicant.

6. Accordingly, it is directed that execution of sentence imposed vide order dated 26.04.2024 passed by the learned Additional Sessions Judge No. 1, Kamrup(M) at Guwahati in Criminal Appeal No. 38/2022, is hereby suspended till disposal of the appeal. Further, the applicant, namely, **Nani Gopal Goswami**, shall be released on bail of Rs. 30,000/- with one surety of the like amount, to the satisfaction of the learned trial court. Further the following conditions are imposed –

(i) That the applicant shall be available to receive the revisional judgment; and

(ii) The applicant shall not in any manner cause any harm to the informant;

7. In case of any violation of the bail conditions, the learned prosecution or complainant side shall be at liberty to seek cancellation of the bail;

8. Nothing in this order shall be construed as an expression of opinion on the merits of the pending criminal revision.

9. The applicant as the convict-revisional petitioner is at liberty to make endeavour for settlement/compounding of the case, in terms of the principles laid down in ***Damodar S. Prabhu Sayed Babalal H.***, reported in ***(2010) 5 SCC 663***.

10. In view of the above, interlocutory application stands **allowed** and disposed of.

JUDGE

Comparing Assistant