

GAHC010141402025



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

Case No. I.A.(Crl.)/1059/2025

DHIRAJ BAISHYA
S/O - LT MANIK BAISHYA
R/O - VILL - SUALKUCHI MINI BAZAR ROAD
P.O. - SUALKUCHI
P.S. - SUALKUCHI
DIST - KAMRUP
ASSAM

VERSUS

1. THE STATE OF ASSAM
REPRESENTED BY THE PP
ASSAM

2:SIKHA KALITA BAISHYA
W/O - RINKU KALITA
R/O - VILL - GARAL BHATTAPARA
P.S. AND P.O. - AZARA
DIST - KAMRUP (M)
ASSAM

Advocate for : MS NOORI ASHMA BEGUM
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

Crl.A./369/2025

DHIRAJ BAISHYA
S/O - LT MANIK BAISHYA
R/O - VILL - SUALKUCHI MINI BAZAR ROAD
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THE STATE OF ASSAM
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W/O - RINKU KALITA
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P.S. AND P.O. - AZARA
DIST - KAMRUP (M)
ASSA

Advocate for the Petitioner : MS NOORI ASHMA BEGUM, R KAKATI,MR D R
SAIKIA,PARTHA PRATIM SAIKIA

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

22.09.2025

Heard Mr. S.C. Biswas, learned counsel assisted by Mr. D.R. Saikia, learned counsel for the applicant/appellant. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the State.

2. This IA has been preferred seeking suspension of execution and sentence vide Judgment and Order dated 03.03.2025 and 07.03.2025 passed by the learned Additional Sessions Judge cum Special Judge (POCSO) in Session Special (POCSO) Case No. 26/2023 arising out of Azara PS Case No. 13/2023, Kamrup (M), Assam whereby the appellant has been convicted under Section

10 of the POCSO Act and sentenced to undergo RI for 5 years and a fine of Rs. 20,000/- only and in default, to undergo RI for another period of one year.

3. It appears that the appellant has already undergone more than 50% of sentence imposed upon him.

4. Perused the impugned Judgment and order.

5. Having regard with the period already undergone by the accused/appellant, and the quantum of punishment imposed, the remaining sentence is hereby suspended.

6. The applicant/appellant is allowed to go on bail with a bail bond of Rs. 50,000/- (Rupees Fifty thousand) with one surety of the like amount to the satisfaction of the learned Special Judge (POCSO) cum Additional Sessions Judge, Kamrup (Metro), Guwahati in connection with the aforesaid case.

The IA stands disposed of.

JUDGE

Comparing Assistant