

GAHC010160972025



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

Case No. : Crl.Rev.P./276/2025

DURLOV RAJKHOWA
SON OF DEVANANDA RAJKHOWA
RESIDENT OF TENANT APARTMENT, FLAT NO. 102 B6, UDAY PATH R.G.
BARUAH ROAD, P.S. GEETANAGAR,
GUWAHATI-781024, DIST. KAMRUP (M), ASSAM

VERSUS

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

2:JUNU SONOWAL
W/O SRI BIREN SONOWAL
RESIDENT OF SISHUGRAM ASEB COLONY
NEAR IIT
NORTH GUWAHATI
P.O. COLLEGE NAGAR
PIN-782001
NORTH GUWAHATI-781031
DIST. KAMRUP
ASSA

Advocate for the Petitioner : B BURAGOHAIN, MRS DIPANJALI BORPUJARI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

28.07.2025

Heard Mr. B. Buragohain, learned counsel for the petitioner and Ms. S.H. Bora, learned Additional Public Prosecutor for the respondent no. 1, State of Assam.

By this criminal revision petition, the petitioner has put to challenge a Judgment dated 30.06.2025 passed by the learned Additional Sessions Judge [FTC] no. 3, Kamrup [M], Guwahati as an Appellate Court in Criminal Appeal no. 06/2024 whereby the learned Appellate Court has affirmed a Judgment dated 20.12.2023 passed by the Court of learned Judicial Magistrate First Class, Kamrup [M], Guwahati as a Trial Court in a complaint case, C.R.[NI] Case no. 3612^c/2018. The Courts have reached a concurrent finding that the accused is guilty of the offence under Section 138 of Negotiable Instrument Act. The petitioner has been convicted accordingly and he has been sentenced to pay a fine of Rs. 7,50,000/-, in default of payment of fine amount, to suffer simple imprisonment for another two months.

A nos. of contentions have been raised to assail the legality, propriety and correctness of the impugned Judgment.

Issue notice, returnable on 01.09.2025.

As Ms. Bora, learned Additional Public Prosecutor has appeared and accepted notice on behalf of the respondent no. 1, issuance of formal notice to the respondent no. 1 stands dispensed with. The learned counsel for the petitioners shall furnish an extra copy of the criminal petition along with the annexures, to Ms. Bora within 3 [three] working days from today.

The petitioner shall take steps for service of notice upon the respondent no. 2 by registered post with A/D as well as by usual process.

The learned counsel for the parties are also heard on the point of deposit having regard to the provision contained in Section 148 of the Negotiable Instrument Act and on the interim prayer.

Having heard the learned counsel for the parties, it is ordered that the execution of the sentence passed against the petitioner shall remain suspended subject to deposit of 25% of the fine amount before the Registry of this Court on or before the returnable date, 01.09.2025. It is further ordered that the petitioner shall be allowed to be released on bail on furnishing a bail bond of Rs. 5,000/- with one local surety of the like amount to the

satisfaction of the learned Trial Court along with the receipt acknowledging deposit of 25% of the fine amount.

List the case on 01.09.2025.

JUDGE

Comparing Assistant