

GAHC010165322024



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

Case No. : Crl.Rev.P./324/2024

ABDUL MATIN BARBHUIYA
S/O RAFIQR RAHMAN BARBHUIYA
R/O VILL- GOVINDAPUR PART-II
P.O. GOVINDAPUR (WEST), P.S. KATIGORAH, DIST. CACHAR, ASSAM
PIN-788003.

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP, ASSAM

2:ABDUR RAHIM
S/O LATE ABDUL MANIK @ MANIK ALI
R/O VILL- KHADIMAN
P.O. BADARPUR GHAT

P.S. BADARPUR
DIST. KARIMGANJ
ASSAM
PIN-788724

Advocate for the Petitioner : MR. B U LASKAR,

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 30.08.2024

Heard Mr. BU Laskar, learned counsel for the petitioner. Also heard Mr.D.P.Goswami, learned Additional Public Prosecutor, Assam appearing for the State respondent.

By filing this revision petition under Section 438/442 of the Bharatiya Nagarik Surakshya Sanhita, 2023, the petitioner has prayed for setting aside of the impugned judgment and order dated 15.06.2024 in Criminal Appeal No. 24 (1)/2018 passed by the learned Addl. Sessions Judge (FTC), Karimganj, Assam dismissing the appeal and thereby affirming the Judgment and order dated 21.04.2017 passed in CR Case No. 348/2011 by the learned Addl.CJM, Karimganj whereby the petitioner was convicted and sentenced to undergo simple imprisonment for 2 years and to pay fine of Rs.12, 00,000/- in default, simple imprisonment for 6 months under Section 138 of the NI Act.

Issue notice to the respondents.

Mr.D.P.Goswami, learned Additional Public Prosecutor, Assam has entered appearance on behalf of the State respondent No.1. Extra copy of the petition along with the annexures be furnished to the learned Addl.P.P. during the course of the day.

Petitioner to take steps for service of notice on respondent No.2 by registered post with A/D as well as by usual process, returnable within four weeks. Steps within 3 days.

Call for the case records of CR Case No. 348/2011.

Till the disposal of the present revision petition, the sentence as aforesaid is hereby suspended and the petitioner, Abdul Matin Barbhuiya shall be released on fresh bail on furnishing bail bond of Rs.30,000/- with one surety of like amount to the satisfaction of learned Addl.CJM, Karimganj.

Registry to procure the records.

List after 04(four) weeks.

JUDGE

Comparing Assistant