

GAHC010169702025



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

I.A.(Crl.)/823/2025

JIABUR RAHMAN AND 2 ORS.
SON OF MD ABDUL HYE

2: SEKBOR ALI @ SEKBAR ALI
SON OF MD ABDUL MAZID @ ABDUL MOJIT

3: ABDUL MOTALEB @ MATALEB ALI
SON OF LATE ABDUL SAMED
R/O VILLAGE BORKURANI
P/S. MAYONG
P/O. GAGALMARI
DIST. MORIGAON
ASSAM-782121.
VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP ASSAM

Advocate for : S K PODDAR
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

04.08.2025

Heard Mr. D. Ullah, learned counsel for the three applicants-appellants and Mr. R.R.

Kaushik, learned Additional Public Prosecutor for the opposite party-respondent, State of Assam.

2. The instant interlocutory application is preferred seeking suspension of execution of the sentence passed against the three applicants-appellants and for their release on bail.

3. The three applicants as the appellants have preferred the accompanying appeal, Criminal Appeal no. 295/2025 against a Judgment dated 10.07.2025 and Order on sentence dated 11.07.2025 passed by the Court of learned Additional Sessions Judge, Morigaon in Sessions Case no. 97/2017. By the Judgment dated 10.07.2025, the applicants-appellants have been found guilty of the offence under Section 307 r/w Section 34, IPC; Section 326 r/w Section 34, IPC; and Section 341 r/w Section 34, IPC. By the Order on sentence dated 11.07.2025, the applicants-appellants have been sentenced to undergo simple imprisonment for one month each with fine and default stipulation under Sections 341/34, IPC; rigorous imprisonment for ten years each with fine and default stipulation under Sections 326/34, IPC; and rigorous imprisonment for ten years each with fine and default stipulation under Sections 307/34, IPC.

4. Issue notice, returnable on 08.09.2025.

5. As Mr. Kaushik, learned Additional Public Prosecutor has appeared and accepted notice in respect of the opposite party, issuance of formal notice in respect of the opposite is dispensed with. The learned counsel for the applicant-appellant shall serve an extra copy of the application along with annexures, to Mr. Kaushik within 3 [three] working days from today.

6. The prayer made in this interlocutory application will be considered after receipt of the TCR.

7. The learned counsel for the applicants-appellants is at liberty to make mention after receipt of the TCR.

8. The learned Additional Public Prosecutor shall make endeavour to file objection to the interlocutory application by the next date of listing, if so advised.
9. List the case on 08.09.2025.

JUDGE

Comparing Assistant