

GAHC010184012025



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

Case No. : Crl.Rev.P./383/2025

SUNANDA BORO ALIAS SUNANDA BARO
S/O- LATE GOPAL CHANDRA BORO, R/O- RANGIYA TOWN, WARD NO. 3,
P.S. RANGIYA, DIST. KAMRUP RURAL, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:SANJAY SEN
S/O- LATE SUDHANGSHU SEN
R/O- TANGLA
WARD NO. 2
UNDER TANGLA POLICE STATION
DIST. UDALGURI (BTC)
ASSA

Advocate for the Petitioner : MR. M K DAS, MS Z ANJUM, S J DUTTA, C SAIKIA, A
BHARADWAJ, MS D DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

24.09.2025

1. Heard Mr. M.K. Das, learned counsel for the petitioner. Also heard Mr. K.K.

Parashar, learned Additional Public Prosecutor for the State.

2. This application under Section 442/438 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 has been filed by the petitioner namely Sri Sunanda Boro @ Sunanda Baro impugning the judgment and order dated 17.07.2025 passed in Criminal Appeal No. 16/2025 by the Hon'ble Court of District and Sessions Judge, Udalguri, Assam whereby the judgment passed on 24.03.2025 in G.R. Case No. 528/2022 whereby the present petitioner was convicted under Sections 323/325 of IPC, and was sentenced to undergo simple imprisonment for 6 (six) months and to pay a fine of Rs.8,000/ and in default of payment of fine to suffer further imprisonment for 1 (one) month under Section 325 of the IPC.

3. The petitioner was also sentenced to undergo simple imprisonment for 1 (one) month and to pay a fine of Rs. 1,000/- and default of payment of fine to undergo simple imprisonment for 10 (ten) days.

4. The learned counsel for the petitioner has submitted that both the trial court as well as appellate court erred in convicting and upholding the conviction respectively of the petitioner under Sections 323/325 as the ingredients constituting the aforesaid offences are absent in the case of the petitioner. The learned counsel for the petitioner submits that petitioner is hopeful that he may get a favorable result in this revision petition. The learned counsel for the petitioner further submits that as the sentence imposed on the petitioner is for a short period of 6 (six) months only, hence, unless the execution of sentence imposed on the petitioner is stayed during the pendency of the present criminal revision petition, the same may become infructuous.

5. Issue notice to the respondent no. 2. The petitioner shall take steps for

issuance of notice upon respondent no. 2 by registered post with A/D as well as usual mode within 7 days from the date of this order, returnable after 4 (four) weeks.

6. In the meanwhile considering the submissions made by the learned counsel for the petitioner as discussed in the forgoing paragraph, the execution of sentence imposed on the petitioner by the impugned judgment shall remain suspended till the pendency of this Criminal Review Petition.

7. The petitioner is also allowed to go on bail of Rs. 30,000/- with one surety of like amount during the pendency of the Criminal Review Petition No.383/2025 subject to this satisfaction of the learned Judicial Magistrate First Class, Udalguri in the GR Case No. 528/2022 with a condition that in the event of dismissal of this criminal revision petition the petitioner shall surrender before the said court to serve the remaining part of the sentence imposed on him by the impugned judgment.

8. List accordingly.

JUDGE

Comparing Assistant