

GAHC010197122025



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

Case No. : I.A.(CrI.)/970/2025

MD BHAITY ALI ALIAS MISTRY
S/O. MD. SARKAR ALI, R/O. VILL.- MORIMUSLIM GAON, WARD NO. 7, P/S.
MORIGAON, DIST. MORIGAON, ASSAM, PIN-782105.

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY PP ASSAM

2:NAJI BEGUM
W/O. GULZAR ALI
R/O. VILL.- TELAHI NAROMARI
P/S. MORIGAON
DIST. MORIGAON
ASSAM
PIN-782105

Advocate for the Petitioner : MR A ATREYA, MS. C KALITA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 10.11.2025

Heard Mr. A. Atreya, learned counsel appearing for the applicant. Also heard Mr.

K. K. Parasar, learned Addl. P.P., representing the opposite party.

This is an application filed under Section 430(2) of the BNSS, 2023, praying for suspension of conviction and sentence and release of the applicant on bail, who was convicted vide impugned Judgment & Order dated 28.05.2025, passed by the learned Addl. Sessions Judge-cum-Special Judge (POCSO), Morigaon in POCSO Case No. 114/2019, convicting the accused-applicant-appellant, under Section 10 of the POCSO Act sentencing him to undergo rigorous imprisonment of 5(Five) years and to pay fine of Rs. 10,000/- (Ten Thousand only) and in default to undergo further R.I. for a period of 6(six) months and under Section 354 IPC sentencing him to undergo R.I. of 5(Five) years and to pay fine of Rs. 5,000/-(Five Thousand only) and in default to undergo further R.I. for a period of 3(three) months.

Let notice be issued to the respondent no. 2 through the office of the learned Public Prosecutor, which shall be executed by the concerned Officer-in-charge of the Police Station Morigaon.

List this matter again after 4(four) weeks.

JUDGE

Comparing Assistant