

GAHC010207222025



undefined

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

Case No. : Crl.Rev.P./242/2026

KAMALUDDIN AHMED
SON OF JOYNAL AHMED @ ABEDIN , R/O AMGURI GHAT, DIKHOW
EMBANKMENT, P.O.- SIVASAGAR, P.S. SIVASAGAR, DISTRICT-
SIVASAGAR, ASSAM, PIN- 785640, PHOONE NO. 8812867103

VERSUS

AMINUR RAHMAN
SON OF LATE OHIDUR RAHMAN, R/O- DHAI ALI, WARD NO 2, P.O.-
SIVASAGAR, P.S.- SIVASAGAR, DISTRICT- SIVASAGAR, ASSAM, PIN-
785640, PHONE NO. 9395191202

Advocate for the Petitioner : MR. A R SHOME, R DEB

Advocate for the Respondent : ,

Linked Case : I.A.(Crl.)/469/2026

KAMALUDDIN AHMED
SON OF JOYNAL AHMED @ ABEDIN
R/O AMGURI GHAT
DIKHOW EMBANKMENT
P.O.- SIVASAGAR
P.S. SIVASAGAR
DISTRICT- SIVASAGAR
ASSAM

PIN- 785640
PHOONE NO. 8812867103

VERSUS

AMINUR RAHMAN
SON OF LATE OHIDUR RAHMAN
R/O- DHAI ALI
WARD NO 2
P.O.- SIVASAGAR
P.S.- SIVASAGAR
DISTRICT- SIVASAGAR
ASSAM
PIN- 785640
PHONE NO. 9395191202

Advocate for : MR. A R SHOME
Advocate for : appearing for AMINUR RAHMAN

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 07.05.2026

Heard learned counsel Mr. A.R. Shome for the petitioner/applicant, who has filed this application under Sections 438/442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, challenging the judgment and order dated 17.07.2025 passed by the learned Additional Sessions Judge, FTC, Sivsagar, in connection with Criminal Appeal No. 16(3)/2024, upholding the judgment and order dated 29.07.2024 passed by the learned Chief Judicial Magistrate, Sivsagar in NI Case No. 35/2021.

2. The petitioner was convicted under Section 138 of the Negotiable Instruments Act, 1881 to pay a compensation/fine of Rs.2,00,000/- (Rupees

Two Lacs) with default stipulation. While preferring the appeal registered as Criminal Appeal No. 16 (3)/2024, the petitioner has already deposited 20% of the compensation amount and Annexure-6 series reveals that the petitioner has already deposited 20% of the compensation amount which has already been released in favour of the respondent.

3. Considering the submissions on behalf of the petitioner, the impugned judgment and order dated 17.07.2025 in Criminal Appeal No. 17.07.2025 passed by the learned Appellate Court and judgment and order dated 29.07.2024 in N.I. Case No. 35/2021 passed by the learned Trial Court is stayed until further orders.

4. As prayed for by the petitioner/applicant in connection with I.A. (Crl.)/469/2026, the petitioner/applicant is allowed to remain on previous bail until further orders and the operation of the impugned conviction and sentence is stayed until further orders.

5. I.A.(Crl.)/469/2026 stands disposed of.

6. Meanwhile, issue notice to the respondent, returnable within four weeks.

7. Call for the Trial Court Records as well as records of the appellate Court from the respective Courts.

8. List accordingly.

JUDGE

Comparing Assistant