

GAHC010215452025



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

Case No. : Crl.Rev.P./409/2025

SHRI MUNTI GOGOI @ SIMANTA
S/O- SHRI SANTIRAM GOGOI.
R/O- VILL.- RATANPUR GOAN, P.S.- BORPATHAR, DIST.- GOLAGHAT,
ASSAM.

VERSUS

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

2:SHRI SUMAN CHOUDHURY
S/O- AMRESH CHOUDHURY.
R/O- VILL.- WARD NO. 2
SOTIONI
P.O. AND P.S.- SARUPATHAR
PIN - 785601
DIST- GOLAGHAT
ASSA

Advocate for the Petitioner : MR. P BORDOLOI, MS M NIROLA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

26.09.2025

1. Heard Mr. P. Bordoloi, learned counsel for the petitioner. Also heard Mr. K.K.

Parasar, learned Additional Public Prosecutor for the State.

2. This application under Sections 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, has been filed by the petitioner, namely Shri Munti Gogoi @ Simanta, impugning the judgment and order dated 16.08.2025 passed by the learned Additional Sessions Judge, Golaghat, in Criminal Appeal No. 24/2019. By the said judgment, the sentence imposed on the petitioner by the judgment and order dated 20.05.2019 passed by the learned Judicial Magistrate First Class, Dhansiri, Sarpathar, in G.R. Case No. 153/2018 was modified by sentencing the petitioner to undergo simple imprisonment for one month under Section 448 of the Indian Penal Code (IPC), and also to undergo simple imprisonment for one month under Section 506 IPC. Further, the petitioner was sentenced to undergo simple imprisonment for three months under Section 385 IPC and was directed to pay a fine of Rs. 3,000/-, and in default of payment of the fine, to undergo simple imprisonment for ten days.

3. Issue notice to respondent no. 2. The petitioner shall take steps for issuance of notice by registered post with acknowledgment due (A/D) as well as by the usual mode, within seven days from the date of this order. The notice shall be returnable after four weeks.

4. Let the records of the trial court as well as the appellate court be called for from the respective courts.

5. Let this matter be listed after four weeks. In the meanwhile, considering that the petitioner has been sentenced for a short term of three months only, the execution of the sentence imposed upon the petitioner by the impugned judgment shall remain suspended until the next returnable date.

6. The petitioner is also permitted to continue enjoying the benefit of the

previous bail granted to him by the learned Additional Sessions Judge, Golaghat, until further orders.

7. List accordingly.

JUDGE

Comparing Assistant