

GAHC010213752025



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

Case No. : I.A.(CrI.)/1080/2025

PRASANTA DAS
S/O LT. AJIT DAS R/O VILLAGE RAHA
RAJA GAON WARD NO.2 POLICE STATION - RAHA DISTRICT- NAGAON
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR. D K BAIDYA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 25.09.2025

- 1.** Heard Mr. A. M. Bora, learned senior counsel assisted by Mr. M. S. Hussain, learned counsel for the applicant.
- 2.** This interlocutory application under Section 430 of BNSS has been filed praying for suspension of execution of sentence imposed on the applicant by the

judgment and order dated 27.08.2025 passed by the Court of the learned Additional Sessions Judge No. 4, (FTC), Nagaon in Sessions Case No. (T-2) 233(N)/2023.

3. By the said judgment, applicant was convicted under Section 354 of IPC and was sentenced to undergo simple imprisonment for three years and to pay a fine of Rs.3,000/- and in default of payment of fine to undergo further simple imprisonment for one month. The applicant was also convicted under Sections 354A(1)(i) of IPC and was sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/- and in default of payment of fine to undergo simple imprisonment for one month. He was also convicted under Section 354B of IPC and was sentenced to undergo simple imprisonment for three years and to pay a fine of Rs.5,000/- and in default of payment of fine to undergo further simple imprisonment for two months.

4. The learned senior counsel for the petitioner has submitted that the applicant has also impugned the aforesaid judgment by preferring the connected Criminal Appeal No. 376/2025. He submits that the said appeal has already been admitted for hearing and the applicant is hopeful of getting a favourable result in the said appeal. He further submits that as in the aforesaid case, the applicant has been sentenced to undergo imprisonment for three years only which is an imprisonment for a short term period, unless the execution of sentence imposed on the appellant by the impugned judgment is stayed, his appeal may become infructuous.

5. I have considered the submissions made by the learned counsel for both sides.

6. Since, the appellant has been sentenced to imprisonment for a short

term period of three years only, if the sentence is allowed to run concurrently during the pendency of the connected criminal appeal, there is a possibility of this connected criminal appeal of becoming infructuous and, therefore, during the pendency of the connected Criminal Appeal No. 376/2025, the execution of the sentence imposed on the petitioner by the impugned judgment is stayed during the pendency of the connected criminal appeal, subject to the condition that in the event of the dismissal of the connected criminal appeal, the applicant shall surrender before the Trial Court to serve out the sentence imposed on him by the impugned judgment.

7. The petitioner is also allowed to remain on previous bail granted by the Trial Court subject to the aforesaid conditions.

8. This interlocutory application is accordingly disposed of.

JUDGE

Comparing Assistant