

GAHC010072872022



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

Case No. : I.A.(Crl.)/1329/2025
in Crl.A./60/2022

SUKUR ALI AND ANR
S/O MD. KASEM ALI
RESIDENT OF VILLAGE ANTHAIBARI
PS GOSSAIGAON DIST KOKRAJHAR BTAD ASSAM

2: NAJIR HUSSAIN
S/O MD. ABU SK.
RESIDENT OF VILLAGE ANTHAIBARI
PS GOSSAIGAON DIST KOKRAJHAR BTAD ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for : MR H R A CHOUDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 21.04.2026
(M. Zothankhuma, J)

Heard Mr. I. U. Choudhury, learned counsel for the appellants/applicants
and Ms. B. Bhuyan, learned Add. PP, Assam.

No one appears for the respondent No. 2 even though notice had been served upon the respondent No. 2.

The appellants/applicants have prayed for suspension of the sentence passed pursuant to the impugned judgment dated 11.03.2022 by the learned Special Judge (POCSO), Kokrajhar in Special Case No. 08/2018, convicting the appellants/applicants under Section 6 of the POCSO Act and under Section 376D of the IPC.

We have noticed that the applicants had earlier approached this Court by availing the provisions of Section 389 Cr.PC, which is akin to Section 430 BNSS, vide I.A.(Crl.) 171/2022. The prayer of the applicants for suspension of the sentence and grant of bail had been rejected earlier, vide order dated 18.08.2022.

On considering the reasons for the rejection of the applicants' earlier application for suspension of the sentence and grant of bail, we find that no new grounds are forthcoming in this application, except for the fact that the hearing of the case was not likely to conclude within a short time. However, as can be seen from the order dated 21.04.2026 passed in the main appeal, the final hearing of the main appeal has been fixed on 21.05.2026.

In view of the reasons stated above, we do not find any ground to allow the present application and the application is accordingly dismissed.

JUDGE

JUDGE

Comparing Assistant