

GAHC010288692025



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

Case No. : I.A.(Crl.)/2/2026

BITUL PANGING
S/O- LATE BIJOY PANGING
R/O-HATIPOTY MISSING GAON
P.S-GELAKE
DIST-SIVASAGAR
PIN-785696
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : S K PODDAR
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 08.01.2026

Heard Mr. S.K. Poddar, learned counsel for the applicant-appellant and Mr. M.P. Goswami, learned Additional Public Prosecutor for the opposite party, State of Assam.

2. The instant application under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is preferred seeking suspension of execution of the sentence passed against the applicant-appellant and for his release on bail.

3. The applicant as the appellant has preferred the accompanying criminal appeal, Crl.A. no. 2/2026 against a Judgment and Order dated 09.10.2025 passed by the Court of learned Additional Sessions Judge, Sivasagar ['the Trial Court', for short] in Sessions Case no. 79[S-N]/2018. By the Judgment and Order dated 09.10.2025, the Trial Court has convicted the applicant-appellant for the offence under Section 354 and Section 323, Indian Penal Code [IPC]. For the offence under Section 354, IPC, the applicant-appellant has been sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs. 5,000/-, with default stipulation. For the offence under Section 323, IPC, the applicant-appellant has been sentenced to pay a fine of Rs. 1,000/-, in default of payment of fine, to undergo simple imprisonment for one month.

4. It is submitted that during the period of investigation/inquiry/trial, the petitioner spent a period of one month thirteen days in custody and he did not misuse the liberty granted to him during the course of the trial.

5. It is a settled proposition that when a convicted person is sentenced to a fixed period of sentence and when he files an appeal under any statutory right, suspension of sentence can be considered by the appellate court liberally unless there are exceptional circumstances.

6. Having regard to the projections made on behalf of the applicant-appellant

and also to the period of sentence already undergone by the applicant-appellant, this Court is of the considered view that the applicant-appellant has made out a prima facie case for suspension of execution of the sentence pending disposal of the appeal, which has already been admitted for hearing.

7. It is, therefore, ordered that pending disposal of the appeal, execution of the sentence passed against the applicant-appellant shall remain suspended and the applicant-appellant is allowed to be released on bail subject to furnishing a bail bond of Rs. 10,000/- with one surety of the like amount to the satisfaction of the Trial Court.

8. The interlocutory application stands disposed of in the afore-said terms.

JUDGE

Comparing Assistant