

GAHC030000232024



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

Case No. : I.A.(Crl.)/3/2024

Sh. Lalrikhuma and 2 Ors.
S/o Kapchhunga(L)
R/o Paithar, Lawngtlai District, Mizoram.

2: Sh. T.C. Sanghmunga

3: Sh. Ramlian

VERSUS

The State of Mizoram and Anr.
R/b the Public Prosecutor, Aizawl, Mizoram.

Advocate for the Petitioner : Mr Lalfakawma

Advocate for the Respondent : P.P./Addl.PP, Mizoram

Linked Case : Crl.A./4/2024

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S/o Kapchhunga (L)
R/o Paithar
Lawngtlai District
Mizoram.

2: Sh. T.C. Sanghmunga
S/o Mr. Hlisa (L)
R/o R. Vanhne
Lawngtlai District

Mizoram.

3: Sh. Ramliana
S/o Mr. Hrangkima (L)
R/o Rulkual
Lawngtlai District
Mizoram.
VERSUS

The State of Mizoram and Anr.
r/b the Public Prosecutor
Aizawl
Mizoram.

Advocate for the Petitioner : Mr Lalfakawma
Advocate for the Respondent : P.P./Addl.PP
Mizoram

ORDER

B E F O R E

HON'BLE MR. JUSTICE NELSON SAILO

31.01.2024

Heard Mr. Lalfakawma, learned counsel for the appellants who submits that the appellants, who are in 3 numbers, being aggrieved with the Judgment & Order dated 19.01.2024 and the Sentence Order dated 22.01.2024 passed by the learned Special Judge, P.C Act, Aizawl in ACB P.S Case No. 2/2015 in SR (PCA) No. 1/2019 convicting the appellants under Section 420 read with Section 471 IPC and sentencing them to imprisonment for the period already undergone and to pay fine of Rs. 6 lakhs each and in default, further imprisonment for 3 years have filed the instant appeal. The learned counsel submits that conviction of the appellants under the aforesaid sections of law is unsustainable in view of the fact that the person who was alleged to have been instrumental in creating the forgery have been acquitted by the learned Trial Court while the appellants convicted. The learned

counsel further submits that the learned Trial Court has failed to make any discussion in coming to the conclusion that the appellants are guilty of committing the alleged offence. The learned counsel submits that during the trial, the appellants were on bail throughout and therefore pending final consideration of the instant appeal, the order of conviction and sentence may be suspended and the appellants be released on bail.

In view of above, let the appeal be admitted. Call for the LCR. Issue notice to the State respondents returnable by 4 (four) weeks. Mrs. Linda L Fambawl, learned Addl. Public Prosecutor accepts notice on behalf of the State. Copy of the memo of appeal be furnished to her if not already done. Having regard to the projection made and considering the fact that the appellants were on bail during the trial, they be released on bail upon furnishing a bail bond of Rs. 50,000/- each and with one surety of the like amount to the satisfaction of the learned Trial Judge.

List the matter again **after 4 (four) weeks**, along with the LCR.

JUDGE

Comparing Assistant