

GAHC030000322024



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

Case No. : I.A.(Crl.)/4/2024

Sh. Lalduna Chinzah
S/o Lianhlunga (L)
R/o Lawngtlai Council Veng, Lawngtlai, Mizoram.

VERSUS

The State of Mizoram
r/b the Public Prosecutor, Mizoram.

Advocate for the Petitioner : Mr. Joseph Malsawmtluanga

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

Linked Case : Crl.A./5/2024

Sh. Lalduna Chinzah
S/o Lianhlunga (L)
R/o Lawngtlai Council Veng
Lawngtlai
Mizoram.

VERSUS

State of Mizoram
r/b the Public Prosector
Mizoram.

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

ORDER
BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

06.02.2024

Heard Mr. L.H. Lianhrima, learned senior counsel assisted by Mr. K.V.L. Remruatdika, learned counsel for the applicant. Also heard Mrs. Linda L. Fambawl, learned Addl. P.P, Mizoram.

This is an application under Section 389 of Cr.PC, 1973 for suspension of sentence and for stay of realization of fine and enlargement of the applicant namely Mr. Lalduna Chinzah on bail, or on his own bond pending disposal of the Criminal Appeal in Judgment & Order dated 19.01.2024 and Sentence Order dated 22.01.2024 passed by the Court of Special Judge, Prevention of Corruption Act, Mizoram, Aizawl.

Mr. L.H. Lianhrima, learned senior counsel submits that sum and substance of the grounds for challenge made by the applicant in the connected criminal appeal is that the applicant has been convicted mainly on the basis of the statement of the co-accused person made under Section 313 Cr.PC and that the Trial Court has failed to properly consider the entire evidence of the prosecution and the defense before coming to its conclusion.

Mr. L.H.Lianhrima, learned senior counsel further submits that having regard to the period of sentence and the applicant being on bail during the trial, the

appeal filed by the applicant be examined and pending final consideration, the impugned order and sentence be suspended and the applicant be released on bail.

I have heard the submissions made at the bar and have perused the materials available on record.

Considering the entire aspects of the matter and the grounds taken in the instant appeal and also the period of sentence imposed upon the applicant and also the fact that he is on bail during the trial, the impugned conviction and sentence shall remain suspended till final disposal of the instant appeal.

The applicant namely Mr. Lalduna Chinzah be released on bail on furnishing bail bond of Rs. 50,000/- with one surety of like amount to the satisfaction of the learned Trial Court.

With the aforesaid observation, this I.A stands disposed of.

JUDGE

Comparing Assistant