



GAHC030000532024



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

Case No. : I.A.(Crl.)/6/2024

Sh. C. Lalchawiliana
Lawngtlai Chanmari, Lawngtlai, Mizoram

VERSUS

State of Mizoram
Aizawl, Mizoram

Advocate for the Petitioner : Mr J C Lalnunsanga

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

Linked Case : Crl.A./8/2024

Sh. C. Lalchawiliana
Chanmari (C-IV)
Lawngtlai
Mizoram

VERSUS

State of Mizoram
Aizawl

Advocate for the Petitioner : Mr J C Lalnunsanga
Advocate for the Respondent : P.P./Addl.PP
Mizoram



B E F O R E
HON'BLE MRS. JUSTICE MARLI VANKUNG
O R D E R

21.02.2024

Heard Mr. J.C. Lalnunsanga, learned counsel for the applicant. Also heard Mrs. Mary L. Khiangte, learned Additional Public Prosecutor for the State respondent.

2. This is an application filed under Section 389 Cr.P.C for suspension of the sentence and/or order passed in the judgment and order of Conviction dated 19.01.2024 passed by the learned Special Judge, PC Act in SR(PCA) No. 1/2019 and Sentence Order dated 22.01.2024 under Section 120B/109/420 IPC and under Section 13(1)(d)/13(2) PC Act to allow the applicant to go on bail pending disposal of the connected appeal.

3. Mr. J.C. Lalnunsanga, learned counsel for the applicant submits that the applicant was convicted under Section 13(2) r/w Section 13(1)(d) of PC Act r/w 120B of PC Act and sentenced to undergo 4 years imprisonment with a fine of Rs. 2 lakhs, in default another imprisonment of 1 (one) year. On his conviction under Section 420 r/w 120B/109 IPC to undergo 4 years imprisonment with a fine of Rs. 2 lakhs, in default another imprisonment of 1 (one) year. The above sentences are to run concurrently except the fine.



4. The learned counsel submits that the application under Section 389 of the Cr.P.C. has been preferred since the Criminal Appeal No. 8/2024 has been admitted. He further submits that the impugned Judgment & Order dated 19.01.2024 is likely to be set aside since the learned Trial Court had erred in convicting the applicant/appellant only on the grounds of the statement made by the applicant/appellant under Section 313 Cr.P.C., wherein the applicant had not even admitted his involvement and also from the deposition of the defence witness and the cross examination of the defence witness. He further submits that there was no prosecution evidence to prove the guilt of the appellant beyond any reasonable doubt and the judgment and order of the learned Special Judge is liable to be set aside and quashed.

5. He further submits that a Co-ordinate Bench of this Court in case number Criminal Appeal No. 3/2024 dated 31.01.2024 in I.A.(Crl.) No. 3/2024 dated 31.01.2024 and in case number I.A.(Crl.) No. 4/2024 dated 06.02.2024 had granted bail to the other co-accused persons in the same case for the same offence.

6. Mrs. Linda L. Fambawl, learned Additional Public Prosecutor in all fairness submits that a Co-ordinate Bench of this Court in the above mentioned cases had granted bail to the applicant/appellant by suspending the conviction and sentence order passed by the learned Trial Court.

7. Having heard the submissions made by the learned counsels for both the parties, this Court having regard to the projection made and considering the fact that the co-convicts in the said case for the same offence have also been released on bail by the Co-ordinate Bench of this Court. Likewise, this Court find



it fit to suspend the conviction and sentence order of the learned Special Judge, P.C Court in SR (PCA) No. 1/2019 and grant bail to the applicant/appellant. He may be released on bail on furnishing a bail bond of Rs. 50,000/- and with one surety of the like amount to the satisfaction of the Trial Court till the disposal of the Criminal Appeal No. 8/2024.

9. I.A.(Crl.) No. 6/2024 stands allowed and disposed of.

JUDGE

Comparing Assistant