

GAHC010006222011



2026:GAU-AS:3767

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

**Case No. : CrI.Rev.P./206/2011**

SUNIL MONDAL  
S/O SRI HAREN MONDAL R/O VILL- KULAGURI TARANI UNDER BEHALI  
P.S. IN THE DIST. OF SONITPUR, ASSAM.

VERSUS

THE STATE OF ASSAM

**Advocate for the Petitioner** : MR.J K PARAJULI, MRS.N S PARAJULI,MR.D TALUKDAR

**Advocate for the Respondent** : , ,PP, ASSAM

**:: BEFORE ::**

**(HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA)**

Advocate(s) for the Petitioner : Mr. D. Talukdar,  
Advocate.

Advocate(s) for the Respondent : Mr. D.P. Goswami,  
Addl. P.P., Assam.

Date on which judgment is reserved : 12.02.2026.

Date of pronouncement of judgment : 16.03.2026.

Whether the pronouncement is of the operative part of the judgment? : YES.

Whether the full judgment has been pronounced? : YES.

### **JUDGMENT AND ORDER (CAV)**

Heard Mr. D. Kalita, the learned senior counsel appearing for the petitioner. Also heard Mr. D.P. Goswami, the learned Addl. Public Prosecutor, Assam.

**2.** This is an application under Section 397 of the Criminal Procedure Code read with Section 401 of the said Code challenging the judgment and order dated 17.04.2011 passed by the learned Addl. Sessions Judge (FTC), Biswanath Chariali affirming the judgment dated 05.10.2010 passed by the learned Judicial Magistrate First Class, Biswanath Chariali in G.R. Case No.14/2007.

**3.** On 05.01.2007 at about 5.30 P.M., the petitioner attacked Smti. Dipika Mondal with a sharp weapon inflicting cut injuries upon her.

**4.** Eleven prosecution witnesses were examined. The defence plea was of total denial.

**5.** The petitioner was convicted under Sections 448/324/ and 326 of the Indian Penal Code.

**6.** For the offence under Section 448 of the IPC, the petitioner was sentenced to undergo rigorous imprisonment of 6 months and to pay a fine of Rs.1,000/-. Similarly, for the offence under Section 324 of the IPC, the petitioner was sentenced to undergo rigorous imprisonment of 1 year and to pay fine of Rs.2,000/-. For the offence under

Section 326 of the IPC, the petitioner was sentenced to undergo rigorous imprisonment of 3 years and to pay a fine of Rs.3,000/-.

**7.** The petitioner preferred an appeal before the court of Sessions. The appellate court set aside the conviction of the petitioner under Section 326 of the Indian Penal Code. However, the appellate court affirmed the conviction of the petitioner under Sections 448 and 324 of the IPC.

**8.** In this case, the victim claimed before the trial court that she was in the hospital for 13 days because of the injuries sustained by her. But there was no medical documents to support her plea. Therefore, the appellate court disbelieved her evidence. The appellate court held that the injuries sustained by the victim did not come within the definition of Section 320 of the Indian Penal Code.

**9.** For the last 19 years, the petitioner has been undergoing the rigors of this case. At this stage, sending the petitioner to custody to undergo sentence of 1 year, would be a harsh one. Therefore, without deliberating further on the merit of the case, the petitioner Sunil Mondal is allowed to go on admonition under the provisions of Probation of Offenders Act. Accordingly, the revision petition is allowed.

**10.** The judgment and order dated 17.04.2011 passed by the learned Addl. Sessions Judge (FTC), Biswanath Chariali affirming the judgment dated 05.10.2010 passed by the learned Judicial Magistrate First Class, Biswanath Chariali in G.R. Case No.14/2007, is set aside.

Send back the T.C.R.

**JUDGE**

**Comparing Assistant**