



GAHC030005492026



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

Case No. : I.A.(Crl.)/47/2026

Sh. Pramod Bharech @ Agarwal
S/o Jaydish Prakash Bharech
Rajarhat Road
Kaikhali
Kolkata Airport
North 24 Parganas
West Bengal

VERSUS

The State of Mizoram
Aizawl

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

Linked Case : Crl.A./24/2026

Sh. Pramod Bharech @ Agarwal
S/o Jaydish Prakesh Bharech
R/o Kaikhali
VTC Dum Dum P.O Kolkata Airport
District North 24 Parganas
West Bengal 700052

VERSUS

The State of Mizoram



Aizawl

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

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

30.07.2026

- 1.** Heard Mr. Jatin Sehgal, learned counsel assisted by Mrs. Devna Soni and Ms. Shivashish Dwivedi, learned counsels for the applicant. Also heard Mrs. Linda L. Fambawl, learned Public Prosecutor for the State of Mizoram.
- 2.** This is an application under Section 430(2) of BNSS, 2023 for suspending the sentence to be undergone by the applicant/appellant, pursuant to the impugned Judgment & Order dated 23.07.2026, passed by the learned Special Court, P.C. Act, Mizoram, Aizawl in SR(PCA) No. 4/2019.
- 3.** The case of the applicant is basically to the effect that while the owner/proprietor of the Mizo Carbon Product and the Government servants who had apparently checked and verified all documents, the factory and the production process, had been acquitted, the applicant who was working in the



said industrial units have been convicted. Further, the purchasers of the finished product have also all been acquitted. As such, there could not have been any finding made by the learned Trial Court, with regard to there being any conspiracy or of having committed any offence under Section 420/471 of IPC, in the absence of any finding that an offence under Section 468 of IPC had been committed.

4. The learned counsel for the applicant also submits that no one has been convicted on the charge of abetment in the case. The documents relied upon by the prosecution have also not been proved by the author of the said documents and there is no certificate under Section 65B in respect of electronic evidence relied upon by the prosecution. Interestingly, the Chartered Accountant (A-11) and one of the Managers (A-5) has also been acquitted.

5. The applicant's counsel also submits that the application made by the applicant before the learned Trial Court under Section 389(3) of Cr.PC had been rejected, without the learned Trial Court providing any special reasons for rejecting the same. He thus submits that the sentence to be undergone by the applicant should be suspended.

6. Mrs. Linda L. Fambawl, learned Public Prosecutor submits that the learned Trial Court had considered the interim bail preferred by the applicant and



suspension of the sentence under Section 389(3) of CrPC and had rejected the same, due to the reason that the applicant was not a resident of the State of Mizoram and there was a chance of absconding. Further, the misappropriated amount of money was more than Rs. 3 crores approximately. She thus submits that when special reasons have been given by the learned Trial Court for rejecting the application for suspension of the sentence, the same should not be interfered with by this Court.

7. I have heard the learned counsels for the parties.

8. On considering the fact that the applicant was on bail during trial and had not absconded during trial, it cannot be said that there was every likelihood that he would abscond during the pendency of this appeal. Further, it appears that the applicant is a permanent resident of West Bengal.

9. The acquittal of some accused persons and the conviction of the present applicant needs to be further gone into, on considering the submissions made by the learned counsel for the applicant. As the applicant has been sentenced to imprisonment for a period of less than 3 years, this Court is of the view that the applicant should be granted bail at this stage.

10. Accordingly, the applicant namely, Shri Pramod Bharech @Agarwal, is granted bail, on a bail bond of Rs. 2,00,000/-(Rupees two lakhs) only, with one



surety of the like amount to the satisfaction of the learned Trial Court.

11. The bail granted to the applicant will be subject to the condition that he shall appear regularly as and when called for by the Court.

12. The applicant shall also not leave the territory of India without taking prior permission of the Court.

13. Any default on the part of the applicant will entail automatic cancellation of bail.

14. Consequently, the sentence to be undergone by the applicant, pursuant to the impugned Judgment and Order dated 23.07.2026 passed by the learned Special Court, PC Act, Mizoram, Aizawl in SR(PCA) No. 4/2019 shall remain suspended till further orders.

15. The IA is accordingly stands disposed of.

16. Any observation made in this order shall not be taken to be the final observation of this Court at the time of hearing of the appeal.

JUDGE

Comparing Assistant