

ASDB020112022022



**Present Mr. BISWADEEP BARUAH, ADDL. CHIEF JUDICIAL
MAGISTRATE, DIBRUGARH**

Case No. 03^c/2022

09.03.2026

Accused Subhash Chandra Konwar is present.

The complainant Anku Baruah is again absent today stating he is suffering from severe spondylitis and headache and could not attend court today and prayed for adjournment.

Perusal of C/R reveals that the conduct of the complainant has been discussed in detail in the last order, i.e. 21.02.2026.

It is seen that even today no medical document has been submitted to prove the medical ground as claimed by the complainant's representative.

Moreover, it is seen that prayer was allowed on 01.11.2025 for allowing the complainant side to file formal petition authorizing Virendra Singh Rathode to substitute Anku Baruah and vide the last order, the complainant's new representative was allowed to represent the complainant.

It is seen that each and every date one or other ground for absence of the complainant's representative and on the last date I had directed the complainant to strictly ensure that evidence is presented today.

However, as mentioned earlier the complainant side had again sought adjournment on medical ground without submitting any medical document.

Moreover, the Ld. Counsel for the complainant also not turned up to move the petition or make any submission.

As such, I do not see any reason to allow the prayer in petition 505 and the same stands rejected.

This case is fixed for evidence before charge.

The accused is facing charge u/s 452 of The Companies Act and the allegation is that he was appointed as Pharmacist at Old Dirial Dispensary on contract basis for three months from 01.01.2021 to 01.03.2023 by the Dirial Tea Estate Management and was also allotted a quarter along with a garden and kitchen garden.

It was alleged that the accused was superannuated from his job but he did not vacate the said quarter and also illegal constructed a structure upon the garden area.

As mentioned earlier this case has been fixed evidence before charge since 17.09.2025 and till date the complainant side had failed to adduce the evidence of a single witness.

As such, there is no evidence before this court to presume that the accused has committed offence punishable u/s 452 of The Companies Act and as such the accused Subhash Chandra Konwar stands discharged.

This case is disposed off accordingly.


Addl. CJM, Dibrugarh
Addl. Chief Judicial Magistrate
DIBRUGARH