

GAHC010009252026



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

Case No. : Crl.Pet./74/2026

UTPAL PAUL
SON OF LATE HARI DAS PAUL, RESIDENT OF HOUSE NO.29, ASHOK PATH,
BELTOLA SURVEY, GUWAHATI, P.O. AND P.S. DISPUR
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE THROUGH CBI,
ACB, GUWAHATI, REPRESENTED BY THE RETAINER COUNSEL, CBI

Advocate for the Petitioner : MR. S D PURKAYASTHA, MR. JITU SAIKIA, J P BAISHYA

Advocate for the Respondent : SC, CBI,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

29.01.2026

Heard Mr. S.B. Purkayastha, learned counsel for the petitioner and Ms. M. Kumari, learned Public Prosecutor, CBI for the respondent.

This criminal petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita [BNSS], 2023 is preferred seeking quashing and setting aside of an Order dated 17.11.2025

passed by the learned Special Judge, CBI, Assam Additional Court no. 3 in Special Case no. 9/2022 whereby charges have been framed against the petitioner.

Mr. Purkayastha, learned counsel for the petitioner has submitted that in Special Case no. 9/2022, the petitioner has been arraigned as accused no. 2 [A-2] and the other charge-sheeted accused person, A-1 has already been preferred a criminal petition, Criminal Petition no. 54/2026 against the same Order dated 17.11.2025 wherein this Court has already issued notice to the respondent CBI.

Ms. Kumari, learned Public Prosecutor, CBI has submitted that the case of the petitioner, A-2 is different from the case of the other charge-sheeted accused, A-1. It is the present petitioner, who was allegedly caught with the bribe money, not the other charge-sheeted accused person [A-1].

Issue notice, returnable on 23.02.2026.

As Ms. Kumari, learned Public Prosecutor, CBI has appeared and accepted notice on behalf of the respondent, issuance of formal notice to the respondent is dispensed with. The learned counsel for the petitioner shall furnish requisite an extra copy of the criminal petition along with the annexures to Ms. Kumari within 3 [three] working days from today.

List the case on 23.02.2026 along with Criminal Petition no. 54/2026.

JUDGE

Comparing Assistant