

GAHC010010542026



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

Case No. : Crl.Pet./77/2026

PRAMOD GOSWAMI ALIAS PROMOD GOSWAMI
SON OF LATE TARINE PRASAD GOSWAMI RESIDENT OF - VILLAGE - NO. 2
DIHINGIA GAON, P.O. P.S. BORPATHAR, DISTRICT - KARBI ANGLONG
ASSAM, PIN 785602

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR Z ALAM, MS. S NAZNEEN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

23.02.2026

Heard Mr. Z. Alam, learned counsel for the petitioner. Also heard Ms. A. Begum, learned Addl. Public Prosecutor appearing for the State.

This is an application by which the petitioner has challenged the Judgment

& Order dated 06.12.2025 passed by the learned District & Sessions Judge Karbi Anglong, Diphu in Criminal Appeal No. 19/2024 by which the learned Appellate Court remanded the case for re-trial from the stage of recording of additional evidence and re-examination of the accused under 313 of Cr.PC and to deliver fresh judgment.

Mr. Z. Alam, learned counsel for the petitioner argues that by the said Judgment, the learned Court had pointed out the material lacunas which erupted while passing the Judgment & Order by the learned Judicial Magistrate First Class, Bokajan, Karbi Anglong, in PRC Case No. 336/2019 arising out of Borpathar P.S. Case No. 30/2018 by which the petitioner was convicted under Section 409 of IPC and was sentenced to undergo S.I. for two (2) years with fine and default stipulation. He submits that the said exercise by the Appellate Court has open the Pandora box and would allow the prosecution to fill up the lacunas which is not permissible as per law.

Call for the TCR from the Court of learned Diphu & Sessions Judge, Karbi Anglong, Diphu in connection with Criminal Appeal No. 19/2024 as well as the records from the Judicial Magistrate First Class, Bokajan, Karbi Anglong in connection with PRC Case No. 336/2019.

Ms. A. Begum, learned Addl. Public Prosecutor however, submits that the

order of the Appellate Court is not incorrect in view of the fact that details regarding the prosecution evidence was mentioned and when it was found that additional evidence is required for just decision of the case, it was remanded and directed as such.

In view of the submissions made by the parties, more so in view of the fact that the Appellate Court had ordered for recoding of additional evidence which were allegedly not recorded in the trial and also to take into account the various account statements and deposit slips which were allegedly said to have not been submitted during the trial of the case, although the trial of the case was conducted full fledged by examining all the witnesses presented by the prosecution, this Court finds it fit to suspend the operation of the Judgment & Order dated 19.11.2024 passed by the Trial Court as well as 06.12.2025 passed by the Appellate Court during the pendency of the instant criminal petition.

List the matter after three (3) weeks on a date to be fixed by the Registry.

JUDGE

Comparing Assistant