

GAHC010083472024



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

Case No. : I.A.(Crl.)/392/2024

ON THE DEATH OF RAMAVATAR JALAN HIS LEGAL HEIRS CHIRANG
JALAN
R/O CHATTRIBARI KRISHNA NAGAR, GUWAHATI-1, DIST.
KAMRUP(METRO), ASSAM

VERSUS

M/S DUTTA ELECTRICALS and ANR.
C/O PRINCE COMMERCIAL COMPLEX, ASHRAM ROAD, ULUBARI,
GUWAHATI-7, DIST. KAMRUP METRO, ASSAM.

2:SRI BIPLAB DUTTA

S/O LT. BINOY BHUSAN DUTTA R/O BORTHAKUR MILL ROAD
ULUBARI
GUWAHATI-7
DIST. KAMRUP M
ASSAM

Advocate for the Petitioner : MR. K BHATTACHARJEE,

Advocate for the Respondent : MR. B D KONWAR SR. ADV.,

Linked Case : Crl.Rev.P./224/2015

M/S DUTTA ELECTRICALS and ANR.
C/O PRINCE COMMERCIAL COMPLEX
ASHRAM ROAD
ULUBARI
GUWAHATI-7
DIST. KAMRUP M
ASSAM.

2: SRI BIPLAB DUTTA
S/O LT. BINOY BHUSAN DUTTA R/O BORTHAKUR MILL ROAD
ULUBARI
GUWAHATY-7
DIST. KAMRUP M
ASSAM.
VERSUS

M/S ASSAM SUPPLY SYNDICATE
HAVING ITS OFFICE AT CHATTRIBARI KRISHNA NAGAR
GHY-1
DIST. KAMRUP M
ASSAM
REPRESENTED BY ITS PROPRIETOR SRI RAMAVATAR JALAN.

Advocate for : MS.S BARUA
Advocate for : appearing for M/S ASSAM SUPPLY SYNDICATE

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 18.09.2024

Heard Mr. K. Bhattacharjee, learned counsel appearing for the applicant as well as Ms. B. Soren, learned counsel appearing for the respondent.

This is an application under Section 256 of the Code of Criminal Procedure praying for substitution of Late Ramavatar Jalan, proprietor of Assam Supply Syndicate with his legal heir.

3. M/S Dutta Electricals issued a cheque in favour of Late Ramavatar Jalan. The cheque bounced and therefore, Ramavatar Jalan filed a complaint case against M/S Dutta Electricals. The trial court convicted Sri Biplab Dutta, the proprietor of M/S Dutta Electricals. After the judgment, some amount of money was paid to Ramavatar Jalan and some amount of money is yet to be paid.

4. In the meantime, Ramavatar Jalan died and therefore, his legal heir needs to be impleaded in the connected revision petition.

5. After hearing the learned counsels of both sides, the prayer of the applicant is allowed as it is supported by Section 256 of the Code of Criminal Procedure. The legal heir of Ramavatar Jalan shall be impleaded in his place in the connected revision petition.

6. Accordingly, the registry shall make the necessary correction in the cause title of the revision petition.

With the aforesaid direction, the interlocutory application stands disposed of.

JUDGE

Comparing Assistant