

GAHC010017562025



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

Case No. : Crl.Pet./80/2025

ROHIM BAKXA AND ANR
S/O-NURBAKTA SHEIKH R/O-VILL-BORGHOLA PT1 P. S. -JOGIGHOPA,
DISTRICT-BONGAIGAON, ASSAM, PIN-783388

2: SABINA KHATUN
D/O-CHORMAN ALI
W/O-ROHIM BAKXA
P. S. -JOGIGHOPA
DISTRICT-BONGAIGAON
ASSA

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP, ASSAM

2:MINHAZ AHMED
S/O-HASSAN AHMED
VILL-MORIYAM NAGAR
P. O. -BALADMARI P. S. AND DISTRICT-GOALPARA
ASSAM
PIN-78310

Advocate for the Petitioner : MR. A Z AHMED,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

30.01.2025

Heard Mr. A. Z. Ahmed, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 528 of the BNSS, 2023 assailing the proceeding of Special (P) Case No. 230(J)/2023, arising out of Jogighopa P.S. Case No. 251/2023 under Section 6/17 of the POCSO Act, 2012 read with Section 9/10/11 of the Prohibition of Child Marriage Act, pending before the learned Special Judge, North Salmara.

The basic grievance of the petitioners is that both the petitioners are married in the meantime and the FIR was lodged by the Gaonburah and not by any aggrieved party. Therefore, this is absolutely a malicious prosecution.

Perused the material available on record. This matter needs further examination.

Accordingly, let a notice be issued, returnable on 04.03.2025.

As Mr. Borthakur, learned Additional Public Prosecutor accepts notice on behalf of the respondent No. 1, no formal notice need be issued to the said respondent.

The petitioner to take steps for issuance of notice upon the respondent No. 2 by way of registered post with A/D as well as by usual process within a period of five days from today.

Considering the matter in its entirety, it is provided that till the returnable date, the further proceeding of Special (P) Case No. 230(J)/2023, pending before the learned Special Judge, North Salmara, shall remain suspended.

JUDGE

Comparing Assistant