

GAHC010019032026



2026:GAU-AS:2012

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

Case No. : Crl.Pet./143/2026

SRI PRADIP KR DUTTA
S/O LATE DEBANANDA DUTTA, RESIDENT OF JUNAKI NAGAR,
DHULIAPAR, P.O. DHULIAPAR, P.S. DISTRICT-SIVASAGAR, ASSAM, PIN-
785640.

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:SMTI RINKU HAZARIKA
D/O SRI NILA KANTA HAZARIKA
RESIDENT OF 2 NO. HOLOGURI GAON
P.S. DISTRICTSIVASAGAR
ASSAM

3:SRI NILA KANTA HAZARIKA
S/O LATE GAJENDRA HAZARIKA
RESIDENT OF 2 NO. HOLOGURI GAON
P.S. DISTRICT-SIVASAGAR
ASSA

Advocate for the Petitioner : MR B BURAGOHAIN, MR. P K GOGOI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 12-02-2026

Heard Mr. P.K. Gogoi, the learned counsel for the petitioner. Also heard Mr. P. Borthakur, the learned Addl. PP appearing on behalf of State respondent.

It is submitted by Mr. Gogoi that due to some formal defects in mentioning the sections in the Cause Title of the petition he wants to withdraw the same with a liberty to file afresh and that apart he submitted that two documents could not be annexed at the time of filing the criminal petition. He submitted that the application has been filed u/s 528 read with Section 442 of BNSS which ought to have been filed u/s 528 read with Section 438 of BNSS.

Mr. Borthakur has no objection to that regard.

Considering the submission made by learned counsel for the petitioner prayer for withdrawal of the petition with a liberty to file afresh is hereby allowed.

Criminal petition is accordingly disposed of on withdrawal.

JUDGE

Comparing Assistant