

GAHC010019062026



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

Case No. : Crl.Pet./136/2026

JALU ALI AND ANR
S/O IMAN ALI
VILL- NAMATI (GALIYA)
P.S. BARPETA
DIST. BARPETA, ASSAM

2: ANITA DAS
W/O JALU ALI
VILL- NAMATI (GALIYA)
P.S. BARPETA

DIST. BARPETA
ASSA

VERSUS

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

2:SRI MOHAN SUTRADHAR
S/OLATE DANESWAR SUTRADHAR
VILL- BELGURI PATHAR
P.S. MUSHALPUR
DIST. BAKSA
ASSA

Advocate for the Petitioner : MR. R ALI, MISS. S PARBIN,MR H A AHMED

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 06.05.2026

Learned counsel Mr. H.A. Ahmed is present for the petitioners No. 1 and 2, who are at present husband and wife. Learned Additional Public Prosecutor Mr. B. Sarma for the respondent State is present.

2. Notice could not be served to respondent No. 2.
3. Office note dated 23.04.2026 indicates that notice could not be served in the given address and has been returned with the remark "No such person resides in this address".
4. The FIR was lodged by the respondent No. 2, who was the former husband of the petitioner No. 2 regarding his missing wife. The respondent No. 2 learnt that his wife was kidnapped by the petitioner No. 1 and finally, charge sheet was laid against the petitioner No. 1.
5. It is submitted that both the petitioners No. 1 and 2 are married and no case under Sections 366 and 376 lies against the petitioner No. 1 because the petitioner No. 2 went with the petitioner No. 1 on her own volition.
6. It appears that further proceeding of Sessions Case No. 62/2022 pending in the Court of learned Sessions Judge, Baksa, may be stayed. Accordingly, further proceeding of Sessions Case No. 62/2022 pending in the Court of learned Sessions Judge, Baksa, is stayed till the next date of listing.
7. Meanwhile, call for the scanned copies of the Trial Court Records along

with the scanned copies of the Case Diary.

8. Learned Amicus Curiae Ms. T. Parashar is appointed as Legal Aid Counsel to represent the respondent No. 2.

9. List this matter after four weeks.

JUDGE

Comparing Assistant