

GAHC010027842023



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

Case No. : Crl.Rev.P./85/2023

ANWAR HUSSAIN CHOUDHURY AND 3 ORS
S/O LATE ATOWAR RAHMAN CHOUDHURY
R/O VILL- BASHDAHAR PART-I,
P.O. MATIJURI
DIST. HAILAKANDI, ASSAM

2: ABDUL SUKKUR MAZUMDER
S/O LATE MUBESHIL ALI MAZUMDER
R/O VILL- BASHDAHAR PART-I

P.O. MATIJURI
DIST. HAILAKANDI
ASSAM

3: ISFAQ HUSSAIN CHOUDHURY
S/O LATE ATOWAR RAHMAN CHOUDHURY
R/O VILL- BASHDAHAR PART-I

P.O. MATIJURI
DIST. HAILAKANDI
ASSAM

4: TAJ HUSSAIN CHOUDHURY
S/O LATE ATOWAR RAHMAN CHOUDHURY
R/O VILL- BASHDAHAR PART-I

P.O. MATIJURI
DIST. HAILAKANDI
ASSA

VERSUS

THE STATE OF ASSAM AND ANR
THROUGH THE PP, ASSAM

2:SMT. HUMERA BEGUM BARBHUIYA
W/O LATE NURUL HAQUE BARBHUIYA
R/O VILL- BASHDAHAR PART-I

P.O. MATIJURI
P.S AND DIST. HAILAKANDI
ASSAM
PIN 78815

Advocate for the Petitioner : MR. M H LASKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 27.02.2023

Heard Mr. MH Laskar, learned counsel for the petitioner and also heard Ms. SH Bora, learned Addl. PP, Assam appearing for respondent No.1.

This application under section 401 read with section 397 Cr.P.C., is filed by the petitioners, namely, 1. Anwar Hussain Choudhury, 2. Abdul Sukkur Mazumder, 3. Isfaq Hussain Choudhury and 4. Taj Hussain Choudhury, for setting aside the orders dated 16.11.2022 and 19.12.2022 in Sessions Case No.45/2014 issuing summons to the present petitioners.

The present case is registered under sections 147/148/149 / 447/325/326/336/427/302 IPC.

It is submitted on behalf of the petitioners that the aforementioned orders were erroneously passed and the petitioners were not forwarded when charge sheet was laid against the accused

persons in connection with this case.

The petitioners are now summoned under section 319 Cr.P.C., to face trial in connection with the aforementioned Sessions Case No.45/2014.

Issue notice to respondent No.2, returnable by 4 (four) weeks.

Steps to be taken by way of Registered Post with A/D as well as through usual process within 7 (seven) days.

As Ms. S.H Bora, learned Addl. PP has accepted notice on behalf of respondent No.1 and has also received a copy of the petition, no formal notice is to be served upon her.

Call for the scanned copy of the LCR.

The petitioners prayer for stay of proceedings will be considered after the scanned copies of the LCR is received from the court of the learned Additional Sessions Judge, Hailakandi.

List the matter on 27.03.2023.

JUDGE

Comparing Assistant