

GAHC010028552026



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

Case No. : Crl.Pet./251/2026

DR RAJIB LOCHAN SARMAH
S/O- LATE DWIJENDRA NATH SARMA, R/O-HOUSE NO.27, AKASI PATH,
R.G. BARUAH ROAD, P.S.-GEETANAGAR GUWAHATI-781024, KAMRUP (M),
ASSAM

VERSUS

STATE OF ASSAM AND ANR
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM

2:RITA BARMAN
SUPPORT PERSON ASSAM CENTRE FOR RURAL DEVELOPMENT ADD. - 29
P.B. ROAD P.O.- REHABARI
GUWAHATI-781008 DIST.-KAMRUP(M)
ASSAM
PH.-887672828

Advocate for the Petitioner : MR. H C SARMA, MR. R SHARMA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 24.02.2026.

Heard Mr. H.C. Sarma, learned counsel for the petitioners. Also heard Mr. P.S. Lahkar, learned Addl. P.P., Assam appearing on behalf of the State respondent

No.1.

This is an application under Section 528 read with Section 438 of the BNSS, 2023 for quashing of the criminal proceeding initiated against the present petitioner, wherein charges were framed against him under Section 21 of the POCSO Act, 2012, read with Section 5 of the Medical Termination of Pregnancy Act, 1971.

Issue notice to the respondent, returnable within 3 (three) weeks.

Since Mr. Lahkar, the learned Addl. P.P., Assam has entered appearance and accepted notice on behalf of the State respondent No. 1, no formal notice is required to be issued to the said respondent. However, he shall be provided with requisite extra-copy of the petition during the course of the day.

Petitioner side shall take steps for service of notice on respondent No. 2 by speed post as well as through usual process within 3 (three) working days from today.

Also, call for the scanned copy of the Trial Court Record along with the case diary. Registry will do the needful.

Further, considering the submission made by the learned counsel for the petitioner and the circumstances under which the pregnancy of the victim had to be operated as well as the medical entry and the admission record, the further proceeding against the present petitioner be stayed till the next date of listing.

List the matter after three (3) weeks, on a date to be fixed by the Registry.

JUDGE

Comparing Assistant