

GAHC010029142026



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

Case No. : Crl.Rev.P./79/2026

NOIMUDDIN AND 2 ORS.
S/O LATE NEBU ALI
R/O VILL- SHIMULBARI
P.S. AND P.O. KACHUMARA, DIST. BARPETA, ASSAM, PIN-781127

2: JAIDUL ISALAM
S/O NOIMUDDIN
R/O VILL- SHIMULBARI
P.S AND P.O. KACHUMARA
DIST. BARPETA
ASSAM
PIN-781127.

3: SAMIRAN NESSA
W/O MOIDUL ISLAM
R/O VILL- SHIMULBARI
P.S. AND P.O. KACHUMARA
DIST. BARPETA
ASSAM
PIN-78112

VERSUS

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

2: REZINA AHMED
D/O HABIBAR RAHMAN
R/O VILL- KACHUMARA
P.S. AND P.O. KACHUMARA
DIST. B ARPETA
ASSAM
PIN-78112

Advocate for the Petitioner : MD A ALI,

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA**

O R D E R

Date : 23.02.2026.

Heard Mr. A. Ali, 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 438/442 read with Section 528 of the BNSS, 2023 and Article 227 of the Constitution, against the impugned order dated 27.06.2025 and 20.11.2025, passed by the learned Addl. CJM, Barpeta in connection with C.R. Case No.523/2023, whereby the husband of the victim is directed to pay maintenance amount of Rs.6,000/- per month and the present petitioners along with the husband of the victim is directed to pay a compensation of Rs.2 lacs to the victim. In the meantime, distress warrant is also issued against the petitioners.

Issue notice to the respondents, returnable within 4 (four) 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.

Petitioners 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.

It is submitted by Mr. Ali, the learned counsel for the petitioners that basically the petitioners are aggrieved by the order of compensation passed against them along with the husband of the victim. He further submitted that the payment of the compensation part may be stayed till the disposal of the present revision petition. Furthermore, it is submitted that on 18.02.2026, the NBWA is also issued against the present petitioners. But that order could not be annexed along with the present petition as it was issued only on 18.02.2026, after filing of the present revision petition.

Hearing the submission of learned counsel for the petitioners, let the NBWA, issued against the present petitioners be stayed/suspended, till the next date of listing. However, there is no stay order passed with regard to the order of compensation passed by the learned Trial Court.

List the matter after four (4) weeks, on a date to be fixed by the Registry.

JUDGE

Comparing Assistant