

GAHC010032882024



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

Case No. : Crl.Rev.P./61/2024

SAMARENDRA BRAHMA
S/O LATE AMARENDRA BRAHMA
VIL- THURIBARI (PADMABIL)
P.O. AFLAGAON, P.S. SARFANGURI
DIST. KOKRAJHAR (BTR), ASSAM

VERSUS

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

2:SRI DEVAMANI BASUMATARY
D/O DIPTI KR. BASUMATARY
VIL- THURIBARI (PADMABIL)
P.O. AFLAGAON
P.S. SARFANGURI
DIST.KOKRAJHAR (BTR)
ASSA

Advocate for the Petitioner : MD S HOQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 21.02.2024

Heard Mr. S. Hoque, learned counsel for the petitioner and Ms. A. Begum,
learned Addl. Public Prosecutor for the State respondent No. 1.

2. In this petition, under Sections 397/401, read with Section 482 of the Cr.P.C., the petitioner, namely, Sri Samarendra Brahma, has challenged the correctness or otherwise of the judgment and order dated 12.12.2023, in Criminal Appeal No. 21/2022, passed by the learned Sessions Judge, Kokrajhar.
3. It is to be noted here that, vide impugned judgment and order dated 12.12.2023, the learned Court below has upheld the judgment and order dated 01.11.2022, in C.R. (N.I.) Case No. 03/2019, passed by the learned Sub-Divisional Judicial Magistrate (M), Gossaigaon, whereby the learned Sub-Divisional Judicial Magistrate (M), Gossaigaon has convicted the petitioner under Section 138 of the N.I. Act.
4. I have perused the petition and the documents placed on record and also perused the impugned judgment and order dated 12.12.2023.
5. Let notice be issued to the respondents returnable in four weeks.
6. Steps be taken upon the respondent No. 2 by way of Registered post with A/D as well as through usual process within a week from today.
7. No formal notice is required to be issued upon the respondent No. 1, as Ms. A. Begum, learned Addl. Public Prosecutor appears and accepts notice.
8. However, extra requisite copies of the petition be furnished to her during the course of the day.
9. Registry shall call for the record from the learned Court below.
10. List the matter after four weeks.

JUDGE

Comparing Assistant