

GAHC010036372026



undefined

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

Case No. : Crl.Pet./275/2026

TAUHIDUR RAHMAN
S/O LATE ABDUL HASIM MIAH,
R/O QUARTER NO. TYPE VINC/02
NIT COMPLEX, SILCHAR ,
DIST. CACHAR, ASSAM.

VERSUS

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

2:PROF. ABDULKARIM BARBHUIYA
S/O LATE ISMAIL ALI BARBHUIYA
RESIDENT OF NIT CAMPUS SILCHAR
DIST. CACHAR
ASSAM
PIN-78801

Advocate for the Petitioner : MR H R A CHOUDHURY, MR. A H M R CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA
ORDER

Date : 27.02.2026.

Heard Mr. H.R.A. Choudhury, learned Senior Counsel assisted by Mr. AHMR Choudhury, learned counsel for the petitioner. Also heard Mr. P. Borthakur,

learned Addl. P.P., Assam appearing on behalf of the State respondent.

This is an application under Section 528 of the BNSS, 2023 read with Article 227 of the Constitution of India against the order dated 30.04.2025, passed by the learned CJM, Silchar in G.R. Case No.613/2017, corresponding to Silchar P.S. Case No. 351/2017, under Sections 120B/409 of the IPC, whereby the final report submitted by the police was not accepted and issued notice to the present petitioner as well as the proceeding in C.R. Case No.142/2025, pending in the Court of learned Judicial Magistrate First Class, Cachar at Silchar arising on the basis of protest petition by the informant/ respondent No.2.

Issue notice to the respondents, returnable in 3 (three) weeks.

Since Mr. Borthakur, 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 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 TCR.

Further, considering the submission made by the learned counsel for both sides and also considering the fact that the police filed final report etc., I find that further proceeding in C.R. Case No.142/2025, pending in the Court of learned Judicial Magistrate First Class, Cachar at Silchar is 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