

GAHC010036452024



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

Case No. : Tr.P.(Crl.)/8/2024

SAHNUR ALI
S/O LATE SADULLAH SHEIKH
RESIDENT OF SHANTIPUR (NEAR MASJID) MANGALDAI TOWN, WARD
NO. 2, PO AND PS MANGALDAI, DIST DARRANG, ASSAM 784125

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY PP ASSAM

2:NITAI DEY
S/O HAREN CHANDRA DEY
RESIDENT OF TANGLA TOWN
HOSPITAL ROAD
PO AND PS TANGLA
DIST UDALGURI
BTR
ASSA

Advocate for the Petitioner : MS. M DEV

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 23.02.2024

Heard Mr. A. Ganguly, learned counsel for the petitioner and Mr. P.S. Lahkar, learned Addl. Public Prosecutor for the State respondent No. 1.

2. This petition, under Section 407 of the Cr.P.C., is preferred by the petitioner, namely, Sahnur Ali, for transferring N.I. Case No. 16/2022, under Section 138 of the N.I. Act, pending before the Court of learned Chief Judicial Magistrate, Udalguri, BTR, either to the Court of learned Chief Judicial Magistrate, Darrang, Mangaldai or to the Court of learned Chief Judicial Magistrate, Kamrup(M).

3. Mr. Ganguly, learned counsel for the petitioner submits that as many as four cases against the present petitioner are pending before the Court of learned Chief Judicial Magistrate, Udalguri, and that whenever the petitioner appears before the learned Court below in connection with the cases, the respondent No. 2, namely, Nitai Dey, threatens him with dire consequences, for which the petitioner has lodged one FIR with the Officer-in-charge of Udalguri P.S. on 12.02.2024. But, to a query made by this Court, Mr. Ganguly is not aware as to whether any case has been registered upon the said FIR or not.

4. Be that as it may, having considered the submission of learned Advocates of both side, it is provided that notice be issued to the respondents returnable on 12.03.2024.

5. 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.

6. No formal notice is required to be issued to the respondent No. 1, as Mr.

Lahkar appears and accepts notice.

7. However, extra requisite copies of the petition be furnished to him during the course of the day.

8. Registry shall call for the scanned copy of the record from the learned Court below.

9. Interim prayer of the petitioner will be considered after perusing the record and on appearance of the respondent No. 2 before this Court.

10. The learned counsel for the petitioner shall also take necessary instruction as to whether any case has been registered upon the FIR lodged by the petitioner with the Officer-in-charge of Udalguri P.S. on 12.02.2024.

11. List the matter on 12.03.2024.

JUDGE

Comparing Assistant