

GAHC010043222024



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

**Case No. : I.A.(Crl.)/228/2024**

PRADIP LAKRA AND 4 ORS.  
S/O BISWANATH LAKRA, VILL.- MADHYAM DAKHINGAON, P.O. AND P.S.-  
RUNIKHATA, IN THE DISTRICT OF CHIRANG, ASSAM, PIN- 783375.

2: SUNIL KUJUR @ MAGURU  
S/O BOWA KUJUR  
VILL.- MADHYAM DAKHINGAON  
P.O. AND P.S.- RUNIKHATA  
IN THE DISTRICT OF CHIRANG  
ASSAM  
PIN- 783375

3: HEMANTA MINZ  
S/O MOHADEV MINZ  
VILL.- DAKHIN DAKHINGAON  
P.O. AND P.S.- RUNIKHATA  
IN THE DISTRICT OF CHIRANG  
ASSAM  
PIN- 783375.

4: BIKRAM KHALKO  
S/O BARU KHALKO  
VILL.- MADHYAM DAKHINGAON  
P.O. AND P.S.- RUNIKHATA  
IN THE DISTRICT OF CHIRANG  
ASSAM  
PIN- 783375.

5: BIKRAM TIGGA  
S/O LATE JHARIA TIGGA  
VILL.- MADHYAM DAKHINGAON  
P.O. AND P.S.- RUNIKHATA  
IN THE DISTRICT OF CHIRANG  
ASSAM

PIN- 783375

VERSUS

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

2:SRI KAMALESWAR TOPPO  
S/O SUKRA TOPPO  
VILL.- DAKHIN DAKHINGAON  
P.O. AND P.S.- RUNIKHATA  
IN THE DISTRICT OF CHIRANG  
ASSAM  
PIN- 78337

**Advocate for the Petitioner** : MR. M KALITA

**Advocate for the Respondent** : PP, ASSAM

Linked Case : CrI.A./174/2023

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Advocate for : MR. M KALITA  
Advocate for : PP  
ASSAM appearing for THE STATE OF ASSAM AND ANR.

**BEFORE**  
**HONOURABLE MR. JUSTICE MANISH CHOUDHURY**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**Date : 27.05.2024**  
**(M. Choudhury,J)**

Heard Mr. A. Ahmed, learned counsel for the applicants-appellants and Ms. S.H. Bora,  
learned Additional Public Prosecutor for the respondent no. 1, State of Assam.

2. It is found from the case records of Sessions Case no. 08/2021 that on 22.02.2022, the learned trial court framed charges against the accused persons recording that the learned Public Prosecutor was absent. It was further recorded in the said order that the learned Public Prosecutor was not taking steps for summoning witnesses. In the Judgment of conviction delivered on 30.01.2023, it was recorded that at the time of argument, none from the side of the State was present.

3. Mr. Ahmed, learned counsel for the applicants-appellants has submitted that as per his information, after framing of the charges, the learned Public Prosecutor had resigned from his office and the evidence of the prosecution witnesses were recorded in absence of the learned Public Prosecutor.

4. In view of the above submission of Mr. Ahmed, Ms. Bora, learned Additional Public Prosecutor shall obtain instruction as to whether the learned Public Prosecutor during the period of the trial of Sessions Case no. 8/2021 was in office or not.

5. List the cases on 03.06.2024.

**J U D G E**

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**Comparing Assistant**