

GAHC010059802026



undefined

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

Case No. : Crl.Pet./546/2026

RUSTAM HOQUE SARKAR
S/O LATE MOJAMMEL HOQUE SARKAR,
VILL- BASHBARI PART-III,
P.S. MANIKPUR DIST. BONGAIGAON, ASSAM

VERSUS

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

2:KHAJIDA PARBIN
D/O NUR HUSSAIN ALI
VILL- BALARPET
P.S. ABHAYAPURI
DIST. BONGAIGAON
ASSAM
PIN-783380

Advocate for the Petitioner : MR. A M AHMED, B DAS,P. GHOSH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 21.04.2026

Heard Mr. A M Ahmed, the learned counsel appearing for the petitioners as

well as Mr. P S Lahkar, the learned Additional Public Prosecutor appearing for the State of Assam.

2. This is an application under Section 528 of the BNSS, 2023 challenging the orders dated 11.02.2026 and 21.02.2026 passed by the learned Sessions Judge, Bongaigaon in Sessions Case No. 05(M)/2018.

3. On the basis of an FIR lodged by the wife of the petitioner, the criminal proceedings are going on against the present petitioner.

4. At the time of argument of the case, the petitioner filed a petition praying for some time so that he can procure the certified copy of the CR (DV) Case No.80/2011. The trial court did not allow the prayer of the petitioner and posted the case for judgment on 07.03.2026.

5. Mr. Ahmed has submitted that till today, the judgment has not been passed by the trial court.

6. I have considered the submissions made by the learned counsel of both sides.

7. The petitioner should be given an opportunity to defend his case properly. Therefore, the orders dated 11.02.2026 and 21.02.2026 passed by the learned Sessions Judge, Bongaigaon in Sessions Case No. 05(M)/2018 are set aside.

8. The trial court is directed to provide at least one single opportunity to the petitioner to procure the certified copy of the CR (DV) Case No.80/2011 and after that, the trial court shall hear the arguments of both sides and proceed with the case in accordance with the procedures as laid down by law.

With the aforesaid direction, the Criminal Petition stands disposed of.

JUDGE

Comparing Assistant