

GAHC010061822025



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

Case No. : Crl.Rev.P./96/2025

HIRANYA KAKATI
S/O BHADRA KANTA KAKATI,
ASSAM

2: BHADRA KANTA KAKATI

S/O- PUHRAM KAKATI

3: RIVA KAKATI
W/O BHADRA KANTA KAKATI

4: MINAKHI KAKATI
D/O BHADRA KANTA KAKATI

ALL ARE R/O- RAIDINGIA RAJAGAON
MOUZA- POHUKATA
P.S- JAJORI
DIST- NAGAON
ASSAM
PIN-78214

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

2:DIPANJALI HAZARIKA
W/O- HIRANYA KAKATI
D/O- NIPAN HAZARIKA

R/O- RAIDINGIA PAACHALI

P.S- JAJORI
DIST- NAGAON
ASSAM
PIN-78214

Advocate for the Petitioner : MS M D MEDHI, MS J KALITA

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 28.03.2025

Heard Ms. M. D. Medhi, learned counsel for the petitioner. Also heard Mr. K. K. Das, learned Additional Public Prosecutor for the State respondent No. 2

This is an application under Section 442 of BNSS praying for setting aside the Order dated 11.03.2024, passed by the learned Judicial Magistrate First Class in D.V. Case No. 23/2022, whereby the concerned O.C. is directed to comply with the Final order dated 30.03.2024 and judgment dated 22.01.2025 to ensure that the respondents restrained themselves from disposing the aggrieved person and her child from her matrimonial house.

Issue notice to the respondents, returnable within 4 (four) weeks.

Since Mr. Das, learned Additional Public Prosecutor, has entered appearance and accepted notice on behalf of State respondent No. 2, no formal notice is required to be issued to the said respondent. However, he shall be provided with requisite extra-copy of the petition, if not already furnished,

during the course of the day.

Petitioner side shall take steps for service of notice upon respondent No. 1 by registered post with A/D as well as through usual process within 3 (three) days.

Registry shall also call for the scanned copy of the Trial Court Record.

Further, considering the submission made by the learned counsel for the petitioner that there is misinterpretation of the order dated 22.01.2025, passed by the learned Additional Session Judge No. 2, Nagaon in Crl. A. No. 20/2024, for the interest of justice, operation of impugned Order dated 11.03.2024, passed by the learned Judicial Magistrate First Class, Nagaon in D.V. Case No. 23/2022, shall remain stayed/suspended till next date of listing. However, the petitioner is hereby directed to pay monthly rental as directed by the learned Appellate Court.

List the matter after 4 (four) weeks.

JUDGE

Comparing Assistant