

GAHC010069392025



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

**Case No. : Crl.Pet./396/2025**

ACHINTYA KUMAR BORA  
SON OF HARESWAR BORA, RESIDENT OF PURANIMATI, KOIBARTA GAON,  
NEAR CHORACHOWA L.P SCHOOL, PURANI MATI SATRA, KOIBARTA, P.O.  
AND P.S.- JORHAT , DIST- JORHAT, ASSAM, PIN-785006

VERSUS

THE STATE OF ASSAM AND ANR  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:BIMAL THAKURIA  
SON OF LATE DHARANIDHAR THAKURIA  
FLAT NO. A-01  
SYNDICATE ARENA  
NEW SACHAL  
VIP ROAD  
GUWAHATI-22  
DIST- KAMRUP (METRO)  
ASSA

**Advocate for the Petitioner** : MR. D BARUAH, MR D KALITA,MS. P HANDIQUE

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

**BEFORE  
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

**ORDER**

**04.04.2025**

Heard Mr. D. Baruah, learned counsel for the petitioner and Mr. Bidyut Sarma, learned Additional Public Prosecutor, Assam for the State/respondent No. 1.

**2)** In a complaint petition filed by the respondent No. 2 against the petitioner before the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati being Complaint Case (CR) No. 589<sup>C</sup>/2024; after hearing the complainant and his witness under Section 223 BNSS, 2023 the learned Judicial Magistrate First Class, Kamrup (Metro), Guwahati (in short, JMFC) on 21.12.2024 took cognizance of the offence under Sections 314/316(2)/318(3)/318(4) BNS, 2023 against the petitioner and issued summons to him for his appearance.

**3)** However, the respondent/complainant preferred a Revision Petition against the said Order dated 21.12.2024 passed by learned JMFC, Kamrup (Metro), Guwahati in said C.R. Case No. 589<sup>C</sup>/2024, being Criminal Revision No. 17/2025. But the learned Sessions Judge, Kamrup (Metro), Guwahati did not interfere with the said order dated 21.12.2024 of the learned JMFC, Kamrup (Metro), Guwahati, passed in said C.R. Case No. 589<sup>C</sup>/2024 as the said Complaint Case is fixed before the said learned Magistrate on 05.04.2025.

**4)** Now the petitioner has filed this petition under Section 528 of the BNSS, 2023 praying for quashing of the proceeding of said C.R. Case No. 589<sup>C</sup>/2024, pending before the learned JMFC, Kamrup (Metro), Guwahati, on the basis of the complaint lodged by the complainant/ respondent No. 2.

**5)** Issue **Notice**, returnable by **01.05.2025**.

**6)** Petitioner shall serve an extra copy of this petition to Mr. B. Sarma, learned Additional Public Prosecutor, Assam by tomorrow, obtaining necessary acknowledgment from him in that regard.

**7)** Petitioner shall take steps for service of notice on the complainant/respondent No. 2 by a registered post with A/D by tomorrow, providing his proper and correct address with requisite postal stamps.

**8)** The interim prayer of the petitioner shall be considered on the returnable date after due service of notice on the complainant/respondent No. 2.

**JUDGE**

**Comparing Assistant**