

GAHC010075902026



2026:GAU-AS:5563

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

Case No. : Crl.Pet./564/2026

NITYANANDA KAMAN
SON OF LT. BHUBAN CHANDRA KAMAN
R/O VILL AND P.O. BILMUKH, P.S. GHILAMARA, PIN-787053, DIST.
LAKHIMPUR, ASSAM

VERSUS

DHYAN FOUNDATION AND ANR
HAVING ITS REGISTERED OFFICE AT A-80, SOUTH EXTENSION, PART-2,
NEW DELHI-110049,
REPRESENTED BY ITS AUTHORIZED SIGNATORY, SMT. TANKALA NAGA
CHANDRANI, WIFE OF K. VKANNAN
PERMANENT RESIDENT OF PLOT 18, 2ND FLOOR, KANTAREDDY NAGAR,
ATTAPUR, HYDERABAD-48, AND PRESENTLY RESIDING AT
CHANDRANATH SARMAH PATH, JANAKI BHAWAN, WARD NO. 6,
SHANTIPUR, BISWANATH CHARIALI, P.O. BISWANATH CHARIALI, P.S.
BISWANATH, DIST. BISWANATH, ASSAM, PIN-784176

2:THE STATE OF ASSAM
REPRESENTED BY THE PP
ASSAM

Advocate for the Petitioner : MR. J C GOGOI, MR B ISLAM

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 23.04.2026

- 1.** Heard Mr. J. C. Gogoi, learned counsel for the petitioner. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the State of Assam.
- 2.** This is an application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, challenging the order dated 13.03.2026, passed by the learned Additional Sessions Judge, Biswanath, Biswanath Chariali in Criminal Revision No. 05(S-1)/2026.
- 3.** Learned counsel for the petitioner has submitted that without giving an opportunity of being heard, the Court below had stayed the order dated 20.01.2026 passed by the learned Judicial Magistrate (M), Biswanath in Behali P.S. Case No.107/2025 has been stayed.
- 4.** I have considered the submissions made by the learned counsel for both sides.
- 5.** This Court is of the opinion that before passing an order of stay, the Trial Court should have given an adequate opportunity to the present petitioner of being heard.
- 6.** Therefore, the part of the order dated 13.03.2026, passed by the learned Additional Sessions Judge, Biswanath directing stay of the order dated 20.01.2026 is set aside.
- 7.** The matter is referred to the Court of the learned Additional Sessions Judge,

Biswanath for hearing the present petitioner and after hearing the both sides, the Court of the learned Additional Sessions Judge, Biswanath shall pass a fresh order.

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

JUDGE

Comparing Assistant