

GAHC010084762026



2026:GAU-AS:6111

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

Case No. : I.A.(CrI.)/455/2026

AZAD AHMED
S/O JALAL UDDIN AHMED,
RESIDENT OF HOUSE NO. 56, GANDHI BASTI BYE LANE NO. 1. PO
SILPUKHURI, PS CHANDMARI, DIST KAMRUP M ASSAM

VERSUS

GAUTAM BAISHYA
S/O- LATE KESHAB BAISHYA, VILLAGE- DOLIBARI, P.O. DADARA, P.S.
HAJO, DIST.- KAMRUP, ASSAM, PIN- 781104

Advocate for the Petitioner : MR. A AHMED, MR A AHMED,U U KHAN

Advocate for the Respondent : MR N C KALITA, MD E AHMED,R L CHUTIA,MR. I
CHOUDHURY

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

05.05.2025

1. Heard learned counsel Mr. A. Ahmed for the applicant/petitioner Pallabi Baishya and learned counsel Mr. I. Choudhury for the respondent/opposite party Gautam Baishya.

2. The applicant has prayed for modification of the order dated 31.10.2023 passed in Criminal Revision Petition No. 474/2023. This Criminal Revision Petition was against the judgment and order dated 03.08.2023 passed by the learned Sessions Judge, Kamrup in Crl.Appl. No. 27/2023 affirming the judgment and order dated 13.10.2022 passed by the learned JMFC, Kamrup in C.R. Case No. 81/2019 convicting the applicant under Section 138 of the N.I. Act and sentencing her to pay a compensation of Rs. 6 lacs as default clause.
3. In paragraphs-5 & 6 of the order, it was observed by this Court that the petitioner had only deposited 20% of the compensation amount before the learned Trial Court.
4. On the contrary, it is submitted that the order impugned by the learned Sessions Judge in Crl.Appl.No. 27/2022 vide order dated 14.11.2022, that the question of percentage of the compensation was to be taken up for hearing to decide on appearance of both the parties.
5. It is submitted that an error had crept up in the order of this Court dated 31.10.2023, wherein it has been observed that the petitioner had already deposited 20% of the compensation amount. It is a fact that the petitioner has not deposited 20% of compensation amount and the amount was to be decided after hearing both the sides.
6. After considering the submissions at the Bar, the order dated 31.10.2023 is hereby modified and the applicant/petitioner is directed to deposit 20% of the compensation amount on/before 08.06.2026 from the date of this order before the Registry of the Court.
7. It is also clarified that only paragraphs-5 & 6 of the order dated 31.10.2023 in Crl.Rev.P. No. 474/2023 is modified.

8. In terms of the above observation, this I.A. stands disposed of.

JUDGE

Comparing Assistant