

GAHC010103062025



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

**Case No. : Crl.Pet./567/2025**

RAJDIP BHUYAN ALIAS RAJDEEP BHUYAN AND ANR.  
PROPRIETOR OF M/S PLAN CRAFT PVT. LTD. S/O- LATE LAKHI BHUYA  
R/O- 48 ANANDA NAGAR NEAR HOTEL ARYAN ATITHYA, SIX MILE, P.S.-  
DISPUR,  
DIST.- KAMRUP (M), ASSAM

2: M/S CARNEST MOTORS  
MEGZINE PATHARKUWARI  
GUWAHATI  
KAMRUP (M) PIN-781171  
REPRESENTED BY RAJDIP BHUYAN ALIAS RAJDEEP BHUYA

VERSUS

SARKIRIBINI HANSE AND ANR  
S/O- SARET HANSE R/O- DIPHU, NEAR GOVT BOYS HIGH SCHOOL P.O.  
AND P.S- DIPHU, DIST- KARBI ANGLONG PIN-782460, ASSAM

2:THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR  
ASSA

**Advocate for the Petitioner** : MR K K MAHANTA (Sr. Advocate), MS N BEGUM,MR S  
GAUTAM,MR. K M MAHANTA

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

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

**ORDER**

**27.05.2025**

Heard Mr. K K Mahanta, learned Senior counsel assisted by Ms. N Ahmed, learned counsel for the petitioners and Mr. P Borthakur, learned Additional Public Prosecutor, Assam for the State opposite No. 2.

**2.** The opposite party No. 1 as complainant filed a complaint case before the learned Chief Judicial Magistrate, Karbi Anglong at Diphu under Section 138 of the Negotiable Instruments Act, 1881 against the petitioners being N.I. Case No. 04/2022.

**3.** Mr. Mahanta, learned Senior counsel by placing the complaint relating to said N.I. Case No. 04/2022 submitted that the accused persons of said complaint petition/petitioners herein are not from the district of Karbi Anglong and are residents of Guwahati.

**4.** Mr. Mahanta, learned Senior counsel also placed the order dated 19.05.2022 passed by the learned CJM, Karbi Anglong, Diphu showing that the notice issued to the accused persons, i.e., petitioners herein though was out for delivery on 19.02.2022, but returned as the addressees were not found and the learned Trial Magistrate without considering those aspects came to the conclusion that the notice of the case have been deemed to be served upon the accused persons/petitioners herein on 19.02.2022.

**5.** It is also submitted by Mr. Mahanta, learned Senior counsel that without following the provisions of Section 204 of the CrPC inspite of having the knowledge that the petitioners, i.e., the accused persons of the case are outside the jurisdiction of Karbi Anglong, Diphu, the learned CJM. Karbi Anglong, Diphu on 19.05.2022 took cognizance of the offence under Section 138 of the N.I. Act and proceeded against them by issuing summons in the case.

**6.** Hence, this criminal petition.

**7.** Issue **Notice**, returnable by **23.06.2025**.

**7.** As Mr. P Borthakur, learned Additional Public Prosecutor, Assam has accepted notice on behalf of the opposite party No. 2, no formal notice need be issued to the said respondent.

- 8.** Petitioners shall serve requisite extra copies of this criminal petition including the Annexures appended thereto, to Mr. P Borthakur, learned Additional Public Prosecutor, Assam by 28.05.2025, obtaining necessary acknowledgment from him in that regard.
- 9.** Petitioners shall take step for service of notice on the opposite party No. 1 by Registered Post with A/D by 28.05.2025, providing his correct and proper address with requisite postal stamp(s).
- 10.** Call for the scanned legible copy of the records of N.I. Case No. 04/2022 from the Court of the learned Chief Judicial Magistrate, Karbi Anglong at Diphu.
- 12.** Subject to taking steps on the opposite parties, as directed above, further proceeding of N.I. Case No. 04/2022 pending before the Court of learned Chief Judicial Magistrate, Karbi Anglong at Diphu shall remain suspended, till the returnable date, i.e., 23.06.2025.
- 13.** This order be brought to the notice of the Registrar (Judicial) of this Court.
- 14.** List accordingly.

**JUDGE**

**Comparing Assistant**