

GAHC010118732024



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

Case No. : Tr.P.(Crl.)/26/2024

SAHANUR ALI
S/O LATE SADULLAH SHEIKH, R/O WARD NO.-2, SHANTIPUR (NEAR
MASJID), MANGALDOI TOWN, P.S.-MANGALDOI SADAR, P.O.-
MANGALDOI, DIST- DARRANG, ASSAM, PIN-784125

VERSUS

BISHNU PRASAD RABHA
S/O LATE HAHIRAM RABHA, R/O VILL- JALAH (NA-BHANGA), P.O.-
PALAHGARH, P.S.-TANGLA, DIST- UDALGURI (BTC), ASSAM, PIN-784521

Advocate for the Petitioner : MR Z ALAM

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 18.06.2024

- 1.** Heard Ms. S. Nazneen, learned counsel for the petitioner. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor for the State Respondent.
- 2.** This application under Section 407 of the Code of Criminal Procedure Code, 1973 has been filed by the petitioner Sahanur Ali, praying for transfer of

the N.I. Act Case No. 27/2023 under Section 138 of the Negotiable Instrument Act, 1881, which is pending before the Court of learned Chief Judicial Magistrate, Udalguri to the Court of learned Chief Judicial Magistrate, Mangaldoi.

3. The learned counsel for the petitioner has submitted that the respondent has filed the N.I. Act Case No. 27/2023 against the present petitioner in the Court of learned Chief Judicial Magistrate, Udalguri, and after receiving the summons from the said Court, the petitioner appeared before the Court of learned Chief Judicial Magistrate, Udalguri and took bail in the said case on 03.02.2024.

4. It is submitted by learned counsel for the petitioner that after taking bail in the said case, when the petitioner was returning back, he was threatened by the respondent and three of his accomplices outside the Court of learned Chief Judicial Magistrate, Udalguri, and in this connection, the petitioner has also lodged an FIR against the respondent. A copy of the said FIR has been annexed along with the instant application at Annexure-3.

5. Let a notice be issued to the respondent, returnable on 19.07.2024

6. The petitioner shall take steps for service of notice to the respondent by registered post with A/D within three days from the date of receipt of this order.

7. In the meanwhile, considering the submissions made by learned counsel for the petitioner and considering the fact that there is an allegation of threatening of the petitioner by the respondent on 03.02.2024, when he went to Udalguri to appear in N.I. Act Case No. 27/2023, till next returnable date, the further proceeding of N.I. Act Case No. 27/2023 is hereby stayed.

8. List accordingly.

JUDGE

Comparing Assistant