

GAHC010118742024



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

Case No. : Tr.P.(Crl.)/27/2024

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 MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

18.06.2024

Heard Ms. S. Nazneen, learned counsel for the petitioner.

By this application under Section 407 Cr.P.C., the petitioner has prayed to transfer the NI Case No. 26/23 pending in the court of learned CJM, Udalguri to the court of learned CJM, Darrang, Mangaldoi.

It is submitted by the learned counsel for the petitioner that the petitioner is advised bed rest for one month w.e.f. 22.05.2024 vide annexure (9

series) as certified by the consultant doctor of Global Hospital of Surgery & Institute of Endo-laparoscopy. It is further submitted that the petitioner had undergone an operation of kidney stone measuring about 25.10 mms in size and the operation was for duration of two hours and 10 minutes. It is submitted that the petitioner is at present unable to move and has prayed for interim stay of the proceedings.

The NI case was initiated against the petitioner as the petitioner was asked by the respondent to complete the contract work and the respondent had to incur expenses of Rs.60,00,000/- to complete the work, but the petitioner did not repay the amount of expenses incurred by the respondent. When the respondent confronted the petitioner, the petitioner issued him cheques which were dishonored.

I have considered the submission made by the learned counsel for the petitioner and the advice of the doctor to take bed rest to the petitioner for his ailment.

Call for the scanned copies of the trial court record.

Meanwhile, further proceeding of NI Case No. 26/2023 is stayed till the next date.

Issue notice to the respondent by registered A/D post and usual process, returnable within 4(four) weeks.

List accordingly.

JUDGE

Comparing Assistant