

GAHC010123122025



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

Case No. : Crl.Pet./664/2025

SHRI HIROK JYOTI PAUL
S/O- HIRENDRA CHANDRA PAUL, PERMANENT RESIDENT OF
-HAILAKANDI TOWN, WARD NO 6, P.O., P.S.- AND DIST.-HAILAKANDI, PIN-
788151, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP ASSAM

2:RAJIB ROY
ACS
ADDL. DEPUTY COMMISSIONER
DC OFFICE
SILCHAR
CACHAR
ASSA

Advocate for the Petitioner : MR. A BHATTACHARYA, S. BASAK, MR. S DEY, MS ANKITA
SAHARIA, MR S PAUL, MR. A BHATTACHARJEE, MS K TALUKDAR, MS. K MALAKAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 10.06.2025

1. Heard learned counsel Mr. A Bhattacharya for the petitioner Hirok Jyoti Paul, who has filed this petition under Section 528 of the BNSS, 2023 with prayer for quashing the impugned order dated 05.12.2024 passed by the Ld. SDJM(S), Cachar, Silchar taking cognizance of offence under Section 120(B)/420/406/409 of the Indian Penal Code.

2. The petitioner has also prayed for quashing the charge-sheet in connection with Borkhola PS Case No. 111/2018 qua the petitioner. It is submitted that pursuant to notice inviting tender, the petitioner participated in the bid and was successful and was awarded the tender for repairing the Silchar-Jayantipur Road under the State Disaster Relief Fund for repairing a stretch of road measuring 1.66 kms.

3. The contract agreement was dated 09.10.2013 for a sum of Rs. 43,02,932/- executed between the petitioner and the state. The petitioner has drawn the attention to the annexure 2 of the petition with pictures of the road before the work and after the work. It is submitted that the work was completed in the year 2014, but, after a gap of 2 years, an FIR was lodged against the petitioner relating to the same work on 01.11.2016 i.e. after a gap of more than 2 years. The allegations of fraudulent conduct is against the petitioner and the engineer who has issued the work completion certificate.

4. Finally, after 9 long years, charge-sheet has been submitted. It is averred that due to absence of evidence, charge-sheet has been submitted on 27.02.2024. It is further submitted that a second FIR has been registered against the petitioner with the same allegations.

5. Heard Mr. P Borthakur, learned Additional Public Prosecutor for the State of Assam who has raised serious objection against the prayer for interim stay. It is submitted that without perusal of the records, the petitioner cannot submit prayer for interim stay. The FIR, alleged to be second FIR, is indeed not a second FIR, but, the same case has been transferred to the jurisdiction of the Borkhola Police Station.

6. I have considered the submissions at the bar with circumspection. It

appears that to consider the prayer for interim stay, the Trial Court Records are necessary. Call for the scanned copies of the Trial Court Records along with the scanned copies of the Case Diary.

7. List the matter on **18.06.2025.**

JUDGE

Comparing Assistant