

GAHC010139422024



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

Case No. : Crl.Pet./820/2024

RAJU AHMED
S/O ABDUL MANNAN, VILL-KANISHAIL, P.S. AND DIST- KARIMGANJ
(ASSAM)

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:SI (P) CHINMOY DUTTA
C/O OFFICER-IN-CHARGE
KARIMGANJ POLICE STATION
KARIMGANJ
ASSAM
PIN-788710
PERMANENT ADDRESS- CHINMOY DUTTA
S/O RANJIT DUTTA
PWD COLONY
HOJAI
P.S. AND DIST- HOJAI
ASSAM
PIN-78243

Advocate for the Petitioner : MS. R CHOUDHURY

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 19.07.2024

Heard Mrs. R. Choudhury, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor on behalf of the respondents.

2. This is an application under Section 528 of the BNS, 2024 for setting aside and quashing the charge-sheet no. 146/2024, dated 31.03.2024 under Sections 120B/420/418/384/468 IPC read with Section 7(c)/12 of the Assam Money Lending (Amendment) Act, 1968, arising out of Karimganj P.S. Case No. 114/2024 and resultant G.R. Case No. 368/2024, pending in the Court of learned Chief Judicial Magistrate, Karimganj.

3. Issue notice to the respondents.

4. No formal steps is required to be taken as the respondents nos.1 and 2 has already been represented by the leaned Additional Public Prosecutor. Copy of the petition be served on him during the course of the day.

5. Call for the scanned copy of the TCR.

6. It is submitted by Mrs. Choudhury that the present petitioner is innocent and no way connected in the alleged offence. He is a renowned businessman in that locality and has also been awarded with Bharat Gaurav by the Governor of Maharashtra. Further, Mrs. Choudhury has submitted that from the seizure list, it is seen that there is no any kind of agreement etc. are seized during the investigation apart from some passbook of his entire family members including the passbook of one brother-in-law and that apart, there is no other

document collected by the I.O. during the investigation to implicate the present petitioner in the said allegation of illegal business of money lending. Further she submits that the I.O. had furnished the charge-sheet very mechanically without any iota of evidence against the petitioner. Accordingly, she has submitted that till the receipt of the scanned copy of the case diary, further proceedings in respect of the petitioner may be stayed.

7. Considering the prayer made by the learned counsel for the petitioner, further proceedings in respect of the present petitioner, namely, Raju Ahmed is stayed till the next date of listing.

8. The learned Trial Court may proceed with the case in respect of the other accused persons.

9. List after 3 (three) weeks.

JUDGE

Comparing Assistant