

GAHC010237732019



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

Case No. : CrI.A./360/2019

SHRI RAM MILAN AND ANR
S/O- LATE SHIV KUMAR
R/O- UNCHAHAR
P.O. BAJAORA
P.S. UNCHAHAR
DIST.- RAEBARELI
UTTAR PRADESH- 229404.

2: MD. ABDUL KALAM
S/O- MD. SAIFULLAH
R/O- MINUTHONG GOLAPATTI
P.O. BAJAORA
P.S. PROMPAT
DIST.- IMPHAL EAST
MANIPUR- 795005.
VERSUS

THE UNION OF INDIA AND ANR
REP. BY NCB

2:ANJANI KUMAR
INTELLIGENCE OFFICER
NARCOTICS CONTROL BUREAU
GUWAHATI ZONAL UNIT
VIP ROAD
RUPKUNWAR PATH CHACHAL
GUWAHATI- 781022.

Advocate for : MS. S K NARGIS
Advocate for : SC
NCB appearing for THE UNION OF INDIA AND ANR

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

29-01-2024

(Kalyan Rai Surana, J)

Ms. S.K. Nargis, learned counsel for the appellants had submitted that a common paper book was prepared by the appellant's side in CrI.A. No. 288/2019, CrI.A. No. 360/2019 and CrI.A. 393/2019 and when the records were verified by the Registry, certain objections were made. It was submitted that when the learned counsel met the concerned official, he did not provide anything in writing and accordingly, it is submitted that the paper book could not be rectified.

It is observed from the office note dated 29.11.2023 that the AOJ (paper book section) has noted the following discrepancies:-

(a) 6(six) accused were examined under Section 313 of the Code of Criminal Procedure, 1973 and it was observed that 3-4 questions are missing in each set of questions that were asked to the accused in the typed copy produced by the learned counsel in the paper book.

(b) In most of the exhibited documents there are some typing errors that must be rectified.

The learned counsel for the appellants has submitted that there are two sets of statement of the accused recorded under Section 313 of the Code of Criminal Procedure, 1973 and therefore, it is inadvertent error in the paper book had crept in.

At this juncture, the learned counsel for the appellant has submitted that she is ready to bear the cost of the preparation of the paper book.

Accordingly, the Registry shall prepare a paper book and shall indicate the cost of preparation to the learned counsel for the appellant so as to enable her to deposit the cost.

List after 4(four) weeks, awaiting preparation of paper book in orders column.

JUDGE

JUDGE

Comparing Assistant