

GAHC010149692023



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

**Case No. : Crl.Pet./685/2023**

MWIKHWM OWARY  
S/O- LATE KISHAN OWARY, R/O- VILL.- HATIPOTA, P.O. DANGAIGAON, P.S.  
KAJALGAON, DIST. CHIRANG, BTR, ASSAM, PIN- 783394.

VERSUS

MANIK GHOSH  
S/O- MR. MANINDRA NATH GHOSH, R/O- WARD NO. 10, NIRVALAYA,  
SHASTRI ROAD, NORTH BONGAIGAON, P.O., P.S. AND DIST.  
BONGAIGAON, ASSAM, PIN- 783380.

**Advocate for the Petitioner** : MR. M U MAHMUD

**Advocate for the Respondent** : MR. B J MUKHERJEE

**BEFORE**

**HON'BLE MR. JUSTICE MANASH RANJAN PATHAK**

**O R D E R**

**29.07.2024**

Heard Mr. M.U. Mahmud, learned counsel appearing for the petitioner and Ms. R. Saha, learned counsel appearing for the sole respondent.

**2.** It is seen that the learned Judicial Magistrate 1<sup>st</sup> Class, Bongaigaon passed the impugned order dated 19.06.2023 in NICR No.01/2020 following the

judgment of the Hon'ble Supreme Court in the case of *Yogendra Pratap Singh -vs- Savitri Pandey and another*, reported in (2014) 10 SCC 713, a judgment of the Hon'ble Apex Court rendered by three Judges Bench though the first complaint against the petitioner lodged by the complainant/sole respondent under the N.I. Act being NICR No.36/2017 was dismissed by the learned Chief Judicial Magistrate, Bongaigaon on 06.12.2019, considering that the complainant filed the said case prematurely and thereby acquitted the petitioner and set him at liberty.

**3.** List on 12.08.2024 and on the said date, the petitioner shall place the relevant submission as to why the judgment of the Hon'ble Apex Court in *Yogendra Pratap Singh (supra)* shall not be applicable in the NICR No.01/2020 presently pending before the learned Judicial Magistrate 1<sup>st</sup> Class, Bongaigaon.

**4.** List accordingly.

**JUDGE**

**Comparing Assistant**