

GAHC010153962022



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

Case No. : Crl.A./204/2022

BRAJESWAR BORDOLOI AND 4 ORS.
S/O LATE SURATH BORDOLOI, VILLAGE KALIAJARI, PS MORIGAON, DIST
MORIGAON, ASSAM 782105

2: SUSHIL BORDOLOI
S/O SRI BRAJESWAR BORDOLOI
VILLAGE KALIAJARI
PS MORIGAON
DIST MORIGAON
ASSAM 782105

3: SHANTI BORDOLOI
S/O SRI BRAJESWAR BORDOLOI
VILLAGE KALIAJARI
PS MORIGAON
DIST MORIGAON
ASSAM 782105

4: RANJAN BORDOLOI
S/O SRI BRAJESWAR BORDOLOI
VILLAGE KALIAJARI
PS MORIGAON
DIST MORIGAON
ASSAM 782105

5: JAYANTA BORDOLOI
S/O SRI BRAJESWAR BORDOLOI
VILLAGE KALIAJARI
PS MORIGAON
DIST MORIGAON
ASSAM 78210

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY THE PP, ASSAM

2:NAGEN CHANDRA BANGTHAI
S/O LATE GANESH BANGTHAI
VILLAGE KALIAJARI
PS MORIGAON
DIST MORIGAON
ASSAM 78210

Advocate for the Petitioner : MR A ATREYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE N. KOTISWAR SINGH
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

:: O R D E R ::

02.09.2022

[N. Kotiswar Singh, J]

Heard Mr. D.K. Bhattacharyya, learned counsel for the appellants. Also heard Ms. S. Jahan, learned Additional Public Prosecutor, Assam appearing for the State.

The appeal is admitted.

Call for the records.

It is noticed that one Nagen Chandra Bangthai (theinformant) has been impleaded as the respondent No.2 in the present appeal. However, he is not related to the deceased but merely a co-villager.

It is also noticed that apart from the deceased BaluBangthai, another person, namely, KatiramBangthaiwho suffered injury in the same incident was examined as PW2.

We are of the view that instead of impleading Nagen Chandra Bangthai(the informant), it will be appropriate to implead said KatiramBangthai who was examined as PW2 as a respondent in this case.

As regards the legal heirs or representatives of the deceased, the same will be ascertained after receipt of the original records and if necessary, notice may be served upon such persons representing the deceased.

It has been submitted by Mr. Bhattacharyya, learned counsel for the appellants that the said injured person who was examined as PW2, KatiramBangthai, son of Late Ashok Bangthai is a resident of Kaliyajari under Morigaon Police Station, District Morigaon.

Under the circumstances, we are inclined to implead the said KatiramBangthai, son of Late Ashok Bangthai, resident of Kaliyajari under Morigaon Police Station, District Morigaon as the respondent No.2 in lieu of Nagen Chandra Bangthai (the informant) in this appeal.

Let the appellants take steps for service of notice upon the newly impleaded respondent No.2 through the Officer-in-charge of Morigaon Police Station.

Appellants are allowed to make necessary correction in the cause-title and the records of this appeal.

Registry will do the needful in this regard.

JUDGE

JUDGE

Comparing Assistant