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

Case No. : Crl.Pet./1085/2026

BULBUL HUSSAIN
S/O- ISLAM HOQUE RESIDENT OF VILLAGE-CHALANTAPARA, P.O.
CHALANTAPARA, P.S. JOGIGHO, DISTRICT-BONGAIGAON, ASSAM.

VERSUS

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

2:MD NOKUL ALI
S/O-TABIB ALI
RESIDENT OF RAJABAZAR
HAJO, KALITAKUCHI
PS- HAJO, DISTRICT- KAMRUP
ASSAM, PIN-781102

Advocate for the Petitioner : MR A K AZAD, MR A K KHAN,MR. I HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

05.08.2026

Heard Mr. A.K. Azad, learned counsel for the petitioner and also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam, appearing for the State respondent No.1.

In this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, the petitioner has challenged the order dated 03.01.2026, passed by the learned Judicial Magistrate First Class, Hajo, Kamrup, in connection with C.R. Case No.34/2025. It is to be noted here that vide impugned order dated 03.01.2026, the learned Trial Court has issued pre-cognizance notice upon the petitioner and also directed the respondent No.2 to take step upon the petitioner and fixed the matter on 21.02.2026 for appearance.

Perused the petition and the documents placed on record.

Let notice be issued to the respondents, returnable on 14.09.2026.

Step upon respondent No.2 be taken by speed post and also by usual process within a week from today.

However, no formal notice is required to be issued to the respondent No.1, since Mr. Borthakur entered appearance and received notice. However, extra requisite copy of the petition be served upon him during the course of the day.

Registry shall call for the scanned copy of the record of C.R. Case No.34/2025 from the learned Trial Court.

Interim prayer of the petitioner will be considered on receipt of the record from the learned Trial Court.

List the matter on 14.09.2026.

Sd/- Robin Phukan
JUDGE

Comparing Assistant