

GAHC010164732024



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

Case No. : Crl.Pet./1002/2024

AJIT PRASAD SHARMA AND ANR
S/O SHRI PRASANNA KUMAR SHARMA
R/O VILL- PACHARIA
P.O. PACHARIA
P.S. HAJO
DIST. KAMRUP, ASSAM
PIN- 781104

2: SHRI MIHIR KUMAR BARUAH
S/O LATE PURNANANDA BARUAH
R/O VILL- JUBA NAGAR

FOREST GATE NARANGI GUWAHATI
P.O. NARANGI (ASEB)
P.S. NOONMATI
DIST. KAMRUP (M)
ASSAM
PIN-781026
PH. NO. 600240048

VERSUS

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

2:SMTI. DINEMAI MUDOI
W/O LATE KHIROD MUDOI
ASSAM SAHITYA SABHA
PANBAZAR
GUWAHATI

PERMANENT RESIDENT OF VILL- DEBONARIKOLI
P.O. AND P.S. KAMPUR
DIST. NAGAON

ASSAM
PIN-78242

Advocate for the Petitioner : MR. ANANTA RAM MEDHI, MD. K AHMED,MS. K MEDHI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 19.08.2024

Heard learned counsel Mr. A.R. Medhi for the petitioners 1. Shri Ajit Prasad Sharma and 2. Shri Mihir Kumar Baruah, who have filed this application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 read with Article 226 of the Constitution of India with prayer for quashing the proceeding of GR Case No. 6880/2023, PRC Case No. 1300/2024 arising out of Panbazar Police Station Case No. 239/2023 registered under Sections 120(B)/384/420/506 of the Indian Penal Code, 1860.

2. Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State. The learned Additional Public Prosecutor has accepted notice on behalf of the respondent No. 1 and thus, no formal notice is required to be issued. However, sufficient copies of the petition to be furnished during the course of the day.

3. Petitioner to take steps to issue notice to respondent No. 2 by registered post with A/D as well as through usual process, returnable on 30.08.2024.

4. Also call for the scanned copies of the Trial Court Records along with the scanned copies of the Case Diary. The prayer for interim stay will be considered

on receipt of scanned copies of the Trial Court Records and the scanned copies of the Case Diary.

5. Petitioner also may pray for adjournment before the learned trial Court on the next date fixed.

6. List accordingly.

JUDGE

Comparing Assistant