

GAHC010174902025



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

Case No. : Crl.Pet./958/2025

ZABIR AHMED ALIAS MD JABIR AHMED AND 3 ORS
SON OF MD. ATOAR RAHMAN
PERMANENT RESIDENT OF VILL- DANKI GAON,
P.S. HOJAI
DIST. HOJAI, ASSAM

2: SAYEDUR RAHMAN @ MD. SAYEDUR RAHMAN @ GULJAR
SON OF MD. TUTIUR RAHMAN
PERMANENT RESIDENT OF VILL- DANKI GAON

P.S. HOJAI
DIST. HOJAI
ASSAM

3: KAMIL AHMED @ MD. KAMIL AHMED
S/O MD. ATOAR RAHMAN
PERMANENT RESIDENT OF VILL- DANKI GAON

P.S. HOJAI
DIST. HOJAI
ASSAM

4: MD. KHALILUR RAHMAN @ MOHAMMED KHALIQUR RAHMAN
S/O MD. TUTIUR RAHMAN
PERMANENT RESIDENT OF VILL- DANKI GAON

P.S. HOJAI
DIST. HOJAI
ASSA

VERSUS

THE STATE OF ASSAM AND ANR
TO BE REP.BY THE LEARNED PP, ASSAM

2:MD. TAIZUL HOQUE
SON OF MUSTAFA UDDIN
RESIDENT OF VILL- GOPAL NAGAR
P.S. HOJAI
DIST. HOJAI
ASSA

Advocate for the Petitioner : MR. SURAJIT DAS, MS. P KHATUN, MD A RAHMAN, MR A W AMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
O R D E R

21.11.2025

1. Heard Mr. S Das, learned counsel for the petitioners. Also heard Mr. P Borthakur, learned Additional Public Prosecutor, Assam.
2. The present application is filed seeking quashment of criminal proceeding in GR case No. 2295/2016 pending trial before the learned court of Judicial Magistrate First Class, Hojai, Sankardev Nagar.
3. The petitioner No. 1 lodged an FIR against the father of the respondent No. 2 alleging assault and abuse registered as Hojai PS case NO. 624/2016, which resultant in charge-sheet. The accused i.e. the father of the respondent No. 2 pleaded his guilty and was convicted under Section 294/323 IPC. On the same date, i.e. on 15.11.2016, another FIR was lodged by the respondent No. 2, prima-facie, arising out of same incident against the petitioner herein, registered as Hojai PS Case No. 625/2016, which ultimately culminated into a charge-sheet.
4. The ground of present challenge is that, when out of the same

allegation of physical assault, the father of the respondent No. 2 was convicted, it prima-facie shows that the petitioner cannot be prosecuted for commission of offence arising out of same incident.

5. This matter needs further consideration. Accordingly, issue notice, returnable on 17.12.2025.

6. Mr. P Borthakur, learned Additional Public Prosecutor, Assam accepts notice on behalf of respondent No. 1. Issue notice to respondent No. 2 by registered post with A/D.

7. Scanned copy of the case record of Hojai PS case No. 625/2015 be called for.

8. Interim prayer shall be considered on the next date.

JUDGE

Comparing Assistant