

GAHC010176282021



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

Case No. : Crl.Pet./612/2021

SAIFUL ISLAM AND ANR.
S/O ROFIQUL ISLAM
R/O VILL- DATTAKUCHI
P.O. DABALIAPARA
P.S. AND DIST. BARPETA, ASSAM
PIN-781316

2: RUKTARUL ISLAM
S/O SAIFUL ISLAM
R/O VILL- DATTAKUCHI
P.O. DABALIAPARA
P.S. AND DIST. BARPETA
ASSAM
PIN-781316
REP. BY THE PETITIONER NO. 1

VERSUS

ROFIQUL ISLAM @ RALU MIAH AND ANR
S/O LT. TALEB ALI
R/O VILL- DATTAKUCHI
P.O. DABALIAPARA
P.S. AND DIST. BARPETA, ASSAM
PIN-781316

2:THE STATE OF ASSAM
THROUGH THE PP
ASSA

Advocate for the Petitioner : MR. I H SAIKIA

Advocate for the Respondent : PP, ASSAM (R-2)

BEFORE
HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN
ORDER

01.11.2021

By way of this application filed under Section 482 CrPC, the petitioner has prayed for quashing the part of the Judgment and Order dated 23.06.1994, in MR Case No. 112/1991.

Heard the learned counsel for the petitioner, Mr I H Saikia, who has drawn the attention of the Court, to the documents annexed and has submitted that the decision rendered in M R Case No. 112/1991, which has reference of its earlier decision in Misc Case No. 91/1989, under Section 125 CrPC, will throw light upon the claim made by the petitioner regarding the paternity of respondent No. 1, who has now denied the paternity of the present petitioner.

I have gone through the documents annexed.

Issue notice to the respondent NO. 1, by registered post with A/D as well as by usual process, returnable by 09.12.2021.

Respondent No. 2 is represented by the learned Additional Public Prosecutor. Hence, no formal notice is necessary.

Petitioner No. 2, who is a minor, is represented by the petitioner No. 1 (father).

Call for the MR Case No. 112/1991 as well as the Misc Case No. 91/1989, disposed of on 03.03.1990, from the Court of learned JMFC, Barpeta, and list the matter on 09.12.2021, for record and Service Report.

JUDGE

Comparing Assistant