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

Case No. : Crl.Pet./1265/2025

LAKHESWAR SAIKIA
SON LATE TILSWAR SAIKIA, BY OCCUPATION CENTRAL GOVERNMENT
SERVICE, RESIDING AT FLAT- 3B, PROTECH PELICAN APARTMENT,
JAPORIGOG, DR. N.P. BORDOLOI PATH, GUWAHATI, ASSAM, PIN-781005,
CELL NO. 9163331630

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE LD. PP, ASSAM

2:SRI S ANDEEP KUMAR GOGOI
SON OF BIRANDA KUMAR GOGOI
DIVISIONAL MANAGER
FOOD CORPORATION OF INDIA
DIVISIONAL OFFICE
TENGAPARA
KOKRAJHAR
ASSAM- 783370 AND RESIDING AT HOUSE NO. 58
PARAG DAS PATH
CHANDMARI
GUWAHATI
ASSAM
PIN-781003
CELL NO. 91633-3163

Advocate for the Petitioner : MR. N ALAM, S A BAKHTIAR, MR N J DAS

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN**

ORDER

Date : 29.10.2025

- 1.** Heard Mr. N.J Das, learned counsel for the petitioner. Also heard Mr. K.K Das, learned Additional Public Prosecutor for the State of Assam.
- 2.** By this application under Section 528 of the BNSS, 2023 the petitioner has prayed for quashing of the charge-sheet being charge-sheet No. 15/2022 dated 31.11.2022 qua the petitioner arising out of BI(EO) P.S Case No. 11/2018 dated 31.11.2022 under Sections 120B/409/468/471/406/420 of IPC. The petitioner has also challenged the order taking cognizance dated 28.07.2025 passed by the Court of Ld. C.J.M, Kamrup (M) at Guwahati in PRC Case No. 94/2023 under Sections 120B/420/409 of IPC.
- 3.** Issue notice to the respondent No. 2.
- 4.** The petitioner to take steps for service of notice upon respondent No. 2 by registered post with A/D as well as through usual process.
- 5.** It is noticed that the Court before taking cognizance vide order dated 29.04.2023, had asked the learned Additional Public Prosecutor for the State of Assam to advance a submission with regard to the aspect of procuring prosecution sanction before taking cognizance. However, it is seen from the order sheet that no deliberation took place and that on 28.07.2025, cognizance was taken against the present petitioner and others under the various

Sections of law without the prosecution sanction. It be stated here that the petitioner was the General Manager at the relevant point of time of the Food Corporation of India.

6. In view of the absence of prosecution sanction order, this Court deems it fit that the order dated 28.07.2025 be stayed till the next returnable date.

7. List the matter after **3(three) weeks.**

JUDGE

Comparing Assistant