

GAHC010178562025



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

Case No. : Crl.Rev.P./318/2025

DHRUBOJYOTI NATH
S/O SRI RANJIT KR. NATH
R/O VILL- BHAGAN, P.S. BAZARICHERRA, DIST. SRIBHUMI.

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S C BISWAS, MS P HALDER, MS. J GHOSH, MR A IKBAL

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

Date : 03.12.2025

- 1.** Heard Mr. S.C Biswas, learned counsel for the petitioner. Also heard Mr. R.J Baruah, learned Addl. Public Prosecutor for the State of Assam.
- 2.** Scanned copy of T.C.R is not received. Report of O/c, Silchar Police Station is also not received.
- 3.** It is submitted that charges have already been framed by the Ld. Sessions Court, Cachar on 28.05.2025 u/s 417/376 IPC. In the said order framing charge, the Ld. Additional Sessions Judge, FTC, Silchar, Cachar has noted that the

defence counsel did not press hard upon the issue of discharge and hence, the Court has framed charge after perusing the materials on record. Thereafter, the trial has not proceeded and it appears from the orders passed by the Ld. Trial Court, that despite repeated directions the I/o has not furnished any report with regard to the death of the complainant.

4. A perusal of the order dated 22.03.2021 in AB/389/2021 whereby, interim pre-arrest bail was granted to the petitioner indicates that the Court had found upon perusal of the statements of the victim girl, aged about 32 years that she has been maintaining a relationship with the petitioner since 2006 and also underwent marriage ceremony in a temple and led conjugal life as husband and wife and there was no sufficient incriminating material requiring custodial interrogation of the petitioner.

5. The repeated failure of the I/o to submit the report regarding the death of the informant would prima facie indicate that she is not available at her given place of residence for whatever reason because of which the trial has not proceeded.

6. Considering the aforesaid facts, I deem it proper to stay further proceedings in Sessions Case No. 105/2012 pending before the Ld. Additional Sessions Judge, FTC, Silchar, Cachar till the next returnable date.

7. Issue reminder for scanned copy of the T.C.R and report regarding death of the informant from the O/c, Silchar Police Station.

8. The report from O/c, Silchar Police Station shall be called for by the Registry.

9. List the matter on **21.01.2026.**

JUDGE

Comparing Assistant