

GAHC010187772025



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

Case No. : Crl.Rev.P./354/2025

ANANTA NATH
SON OF MAHESH NATH
VILL- BHOJKUCHIA PARA
P.O. AND P.S. PATACHARKUCHI,
DIST. BAJALI, ASSAM,
PIN-781326

VERSUS

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

2:SABINA YASMIN
W/O SADEK ALI
RESIDENT OF MOIRAMARI
P.O. AND P.S. HOWLY
DIST. BARPETA
ASSAM

PIN-781316

Advocate for the Petitioner : MR J ABEDIN, MR N SARMA

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 09.09.2025

- 1.** Heard Mr. J. Abedin, the learned counsel for the petitioner. Also heard Ms. M. Das, the learned Additional Public Prosecutor for the State respondent.
- 2.** This application under Section 442 read with Section 528 and 438 of the BNSS, 20223 filed by the petitioner Ananta Nath impugning Judgment dated 29.05.2025 passed in Criminal Appeal No. 10/2024, by the Court of learned Sessions Judge, Barpeta, whereby, the appeal preferred by the petitioner against the Judgment dated 09.04.2024 passed by the Judicial Magistrate 1st Class, Barpeta was dismissed.
- 3.** By the aforesaid judgment of the Trial Court, the petitioner was convicted under Section 138 of the N. I. Act and was sentenced to undergo simple imprisonment for three months and was also directed to pay a compensation of Rs. 5,00,000/- to the complainant.
- 4.** Issue notice to the respondents.
- 5.** As learned Additional Public Prosecutor has appeared for the respondent no. 1, no formal notice need to be issued to the respondent no.1.
- 6.** As regards respondent no.2 is concerned, the petitioner shall take steps for service of notices to the respondent no.2 by registered post with A/D as well as by usual mode within three days from the date of receipt of this order, returnable on 15.10.2025.
- 7.** The learned counsel for the petitioner has also submitted that the impugned judgment by the First Appellate Court i.e., the Court of Session Judge, Barpeta was decided without ex-parte as the engaged counsel for the

petitioner before the Appellate Court had withdrawn from the said appeal without giving an intimation to the present petitioner.

8. Considering the submissions made by the learned counsel, the execution of sentence imposed on the petitioner by the Trial Court is hereby suspended till the next returnable date.

9. Let this case be listed on **15.10.2025.**

JUDGE

Comparing Assistant