

GAHC010189122025



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

Case No. : Crl.Pet./1032/2025

DHRUBAJYOTI NEOG
SON OF LATE LILARAM NEOG
R/O POBITORA APARTMENT, 2ND FLOOR NEAR MARIA PUBLIC SCHOOL,
NARENGI, BONDA
DIST.KAMRUP (M0, ASSAM
PIN-781026.

VERSUS

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

2:SRI AJIT KUMAR DAS
RESIDENT OF MALOW ALI
SHANTIPUR P.S. JORHAT
DIST. JORHAT
ASSAM
PIN-785001

Advocate for the Petitioner : MR W R MEDHI, MR A V SINGH,MR P TALUKDAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

O R D E R

Date : 28.08.2025.

Heard Mr. W.R. Medhi, learned counsel appearing for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam appearing for the State respondent No.1.

This is an application under Section 528 of the BNSS, 2023 praying for quashing of the PRC Case No. 989/2019, arising out of Jorhat P.S. Case No.2532/2018, under Section 435/34 of the IPC, which is presently pending before the learned Judicial Magistrate First Class, Jorhat.

Issue notice to the respondents, returnable within 3 (three) weeks.

Since Mr. Sarma, learned Additional Public Prosecutor, Assam has entered appearance and accepted notice on behalf of the State respondent No.1, no formal notice is required to be issued to the said respondent. However, he shall be provided with requisite extra-copy of the petition during the course of the day.

Steps for service of notice upon respondent No. 2 be taken through registered post with A/D as well as by usual process within 3 (three) days from today.

Call for the scanned copy of the Trial Court Record along with the case diary.

Heard on the interim relief.

It is submitted by Mr. Medhi, learned counsel that the present accused petitioner is innocent and he is no way connected with the alleged offence. The

investigation was perfunctory and without considering the involvement of the present petitioner, the case has been charge sheeted. At the relevant time of incident, the petitioner was only resided as a tenant of the prime accused, otherwise he is not involved with the alleged offence. Further Mr. Medhi submitted that the case is pending since 2019 but till date, only two witnesses have been examined by the prosecution and there is inordinate delay in the present case, which otherwise caused prejudice to the present petitioner. In view of this, he prayed for stay of the further proceeding in respect of the present petitioner.

Hearing the submissions of learned counsel for both sides and considering all the aspects of the pending case, I do not find it a fit case to pass an order on stay at present and the matter may be heard and decided finally on appearance of the respondent No.2 as well as after receipt of the TCR.

List the matter accordingly after three weeks.

JUDGE

Comparing Assistant