

GAHC010193382026



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

Case No. : Crl.Pet./1266/2026

SHRI BISHAL SARKI ALIAS VISHAL KUMAR SARKI AND 2 ORS.
SON OF BAPI SARKI ALIAS SURAJ SARKI, RESIDENT OF 6 NO.
SHANTIPUR, POST OFFICE -SHANTIPUR, POLICE STATION
-CHAPAKHOWA, SADIYA DISTRICT-TINSUKIA, ASSAM, PIN-786150

2: SHRI BAPI SARKI ALIAS SURAJ SARKI
SON OF LATE DHAN BAHADUR SARKI
RESIDENT OF 6 NO. SHANTIPUR
POST OFFICE -SHANTIPUR
POLICE STATION -CHAPAKHOWA
SADIYA DISTRICT-TINSUKIA
ASSAM
PIN-786150

3: SMTI LAKSHMI DEBI
W/O SHRI BAPI SARKI @ SURAJ SARKI
RESIDENT OF 6 NO. SHANTIPUR
POST OFFICE -SHANTIPUR
POLICE STATION -CHAPAKHOWA
SADIYA DISTRICT-TINSUKIA
ASSAM
PIN-78615

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

2:SMTI SANU SARKI
WIFE OF BISHAL SARKI
RESIDENT OF MATIPUL NO.2 POST OFFICE- KHATKHATI POLICE STATION
-KHATKHATI
DISTRICT-KARBI ANGLONG
PIN-78248

Advocate for the Petitioner : MR. T DEURI, MS. P KONWAR,U BHARADWAJ,MS. L WANGSA,MR U SAIKIA,MRS. R S DEURI

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

11.09.2026

Heard Ms. L. Wangsa, learned counsel for the petitioners and Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondents.

2. In this petition, under Section 528 of the BNSS, is preferred by the petitioners challenging the order dated 27.05.2026, passed in DV Case No. 02/2026, by the learned Sub-Divisional Judicial Magistrate (M), Bokajan.

3. It is to be noted here that vide impugned order dated 27.05.2026, learned Sub-Divisional Judicial Magistrate (M), Bokajan, had issued notice to the petitioner herein directing them to show as to why relief sought for by the respondent No. 2 herein should not be granted.

4. It is the contention of the petitioner that the learned Sub-Divisional Judicial Magistrate (M), Bokajan, had issued notice to the petitioner herein without considering the Domestic Incident Report received from the Protection Officer or the Service Provider as per proviso to Sub-Section 1 of Section 12 of the Protection of Women from Domestic Violence Act.

5. Learned Addl. P.P. submits that he may be granted some time to find out the proposition of law in this regard.

6. Prayer is allowed.

7. List the matter on 14.09.2026.

JUDGE

Comparing Assistant