

GAHC010200602023



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

Case No. : Crl.Rev.P./400/2023

CAMBRIDGE EDUCATION TRUST
HAVING ITS REGISTERED OFFICE AT MAJ- JALUKBARI, NEAR K.K.
HANDIQUE SANSKRIT COLLEGE, P.O. GUWAHATI UNIVERSITY, P.S.
JALUKBARI, PIN-781014 REP. BY ITS SECRETARY- MR. HEMANTA DAS,
AGED ABOUT 59 YEARS,
S/O HARKANTA DAS

VERSUS

HARI DAS
S/O LATE NAREN CHANDRA DAS,
R/O PODUMBURI, P.O. GOTANAGAR
P.S. JALUKBARI, GUWAHATI, PIN-781011, KAMRUP (M), ASSAM

Advocate for the Petitioner : MR. S KALITA

Advocate for the Respondent :

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : --19.09.2023

Heard Mr. P. Das, learned counsel appearing for the petitioner.

This application under Section 397 read with 401 of the Cr.P.C., 1973 has been filed revising/
modifying and/or setting aside the impugned order dated 26.06.2023 passed in CR Case No. 202^c/2017

by the learned CJM, Kamrup (R) whereby a petition vide No. 819 under Section 311 of the Cr.P.C. for summoning and calling an witness as the Court/material witness for effective dispensation of justice was rejected.

It is submitted by the learned counsel for the petitioner that there was a land transaction between the parties and the access amount was paid by the petitioner to the respondent and hence a petition was filed before the learned Court below to call Mr. Anil Das under Section 311 Cr.P.C. but the said prayer was rejected by the learned CJM, Kamrup (R) vide order dated 26.06.2023 and rejected the prayer for summoning the witness and the case is fixed on 28.07.2023 for argument/ payment of cost.

Issue notice to the respondent returnable by 3 weeks.

Petitioner shall take steps by registered A/D post as well as through usual process within 3 days.

However, considering the submissions made by the learned counsel for the petitioner, let the further proceeding in CR Case No. 202^o/2017 be stayed till the returnable date.

List after 3 weeks.

JUDGE

Comparing Assistant