

GAHC010202402024



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

Case No. : Crl.Pet./1218/2024

ARVINDER SINGH SYAN
S/O LATE MANOHAR SING SYAN
R/O RNC PATH, THANA CHARIALI, DIBRUGARH, P.O. AND P.S.
DIBRUGARH, DIST. DIBRUGARH, ASSAM

VERSUS

SMT. DOLLY VERMA AND ANR
W/O SRI ARVINDER SINGH SYAN
D/O LATE BANWARILAL VERMA,
R/O HS ROAD, AMBA COMPLEX,
DIBRUGARH, P.O. AND P.S. DIBRUGARH, DIST. DIBRUGARH, ASSAM

2:THE STATE OF ASSAM
REPRESENTED BY THE PP
ASSA

Advocate for the Petitioner : MR R CHAKRAVORTY, S RABHA

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 01.10.2024

Heard Mr. R. Chakraborty, learned counsel for the petitioner and Mr. D.P. Goswami, learned Addl. Public Prosecutor, Assam for the State respondent No. 2.

This is an application under Section 482 read with Section 401 Cr.P.C. 1973, for setting aside and quashing the impugned judgment and order dated 01.08.2024, passed by the learned Sessions Judge, Dibrugarh in CrI. Appeal No. 22 (4)/ 2023 filed under Section 29 of the Protection of Woman from Domestic Violence Act upholding the impugned order dated 17.11.2023, passed by the learned JMFC, Dibrugarh in D.V. Case No. 63/2022.

Issue notice to the respondent No.1, returnable within 4 weeks.

The petitioner shall take steps for service of notice upon the respondent No. 1 by registered post with A/D as well as usual process.

Steps be taken within 7 days.

No formal notice is required to be served upon the respondent No. 2 as Mr. Goswami has entered appearance and accepted notice on behalf of the said respondent.

However, extra copy of the petition be furnished to the learned counsel for the respondent No. 2 during the course of the day.

Call for the scanned copy of the trial Court record pertaining to D.V. Case No. 63/2022.

It is submitted by the learned counsel for the petitioner that the petition vides No. 2816/2023 dated 29.09.2023 filed by the petitioner is still pending in

the trial court, which is required to be disposed of before further proceeding of the trial.

In view of the above, learned trial Magistrate shall hear the parties on the aforesaid petition and dispose of the same in accordance with law.

List the matter 05.11.2024.

JUDGE

Comparing Assistant