

GAHC010212732021



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

Case No. : Crl.Pet./769/2021

GOPAL PAUL
S/O LATE MATINDRA PAUL,
R/O T.K. COMPLEX, LHOMETHI COLONY, ARMAV SUPPLY ROAD, P.O.
DIMAPUR- 797112, NAGALAND.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE PP, ASSAM

2:SRI DILIP DAS
S/O LATE NAGENDRA CHANDRA DAS
R/O PACCALI
NEAR SATSANG TEMPLE
P.O. BOKAJAN
DIST. KARBI ANGLONG
ASSAM

3:SMTI. JARITA DAS
W/O SRI DILIP DAS
R/O PACCALI
NEAR SATSANG TEMPLE
P.O. BOKAJAN
DIST. KARBI ANGLONG
ASSAM

4:SMTI. JHUMA DEBNATH
W/O SRI DHRUBA DEBNATH
R/O PACCALI
NEAR SATSANG TEMPLE
P.O. BOKAJAN
DIST. KARBI ANGLONG
ASSA

Advocate for the Petitioner : MR. J C GAUR, MR. P THAKURIA,MS M DAS,MR. U J SAIKIA,MS. M GAUR

Advocate for the Respondent : PP, ASSAM, MS F HUSSAIN, Amicus Curiae for R-2,3 and 4,MS. O GUPTA(R2,3,4),MS. M CHANDALIA(R2,3,4),MR A TEWARI(R2,3,4)

**BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS**

ORDER

24.03.2026

Heard Mr. J. C. Gaur, learned counsel for the petitioner. Also heard Mr. K. Baishya, learned Additional Public Prosecutor appearing for respondent No.1 and Mr. A. Tiwari, learned counsel appearing for respondent Nos. 2, 3 and 4 and Ms. F. Hussain, learned Amicus Curiae.

An FIR dated 19/02/2017 was lodged by one Gopal Paul with allegation against 3 persons. The case was registered as Bokajan PS Case No. 39/2017 under Section 384/34 IPC. However, after investigation, the IO was pleased to submit a FR/closure report on the ground of not finding evidence. Aggrieved by the same, the informant submitted a Naraji/protest petition before the court of the learned CJM, Karbi Anglong, Diphu, on the basis of which a complaint case was registered, being CR No. 77 of 2018.

Subsequently, the informant as complainant filed another complaint before the learned trial court, whereupon CR Case No. 7 of 2020 was registered but vide order dated 27/10/2021, the learned JMFC Bokajan, Karbi Anglong dismissed the complaint on the ground that similar complaint registered as CR Case No.77 of 2018 is already pending before the court. Aggrieved by the said order dated 27/10/2021, the instant

Criminal Petition has been filed seeking interference with the same.

On the other hand, Mr. Tiwari, appearing for respondent Nos. 2, 3, and 4, submits that CR Case No. 77 of 2018 proceeded to trial and after completion thereof resulted in acquittal of the accused. The complainant, aggrieved by the same has filed a criminal appeal before this Court against the acquittal which was registered as Criminal Appeal No. 304 of 2023 and the same is stated to be at the stage of hearing.

Upon perusing the case record of the instant proceeding, I find that the Criminal Petition was admitted on 26.02.2024 and the scanned TCR is already available. The parties are represented and this case is also ready for hearing.

Therefore, both the counsel are also agreeable to listing the matter for hearing and perhaps tagging with the aforesaid Criminal Appeal.

Accordingly, list the matter for hearing 05.05.2026 along with Criminal Appeal No. 304 of 2023.

JUDGE

Comparing Assistant