

GAHC010229972023



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

Case No. : Crl.Pet./1111/2023

GIRISH CHANDRA SARMAH
S/O LT. BUDDHI RAM SARMAH R/O VILL. POTA PUKHURI UNDER
SIPAJHAR P.S AND DIST. MANGALDOI ASSAM

VERSUS

DHIRAJ BARMAN AND ANR.
S/O LT. JOGANANDA BARMAN R/O VILL. KAKAYA UNDER BELSOR P.S.
DIST. NALBARI ASSAM PRESENTLY R/O H NO. 353 VIP ROAD
HENGRABARI GUWAHATI 36 P.S. DISPUR GUWAHATI

2:THE STATE OF ASSAM
REP BY THE PP
ASSA

Advocate for the Petitioner : MR D TALUKDAR, MR N P DAS,MR P CHOUDHURY,MS S
KAKATI,MS P SAIKIA

Advocate for the Respondent : MR B SINHA(R-1),

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS

ORDER

Date : 22.10.2025

Heard Mr. D. Talukdar, learned counsel for the petitioner. Also heard
Mr. B. Sinha, learned conunsel for the respondent No. 1.

2. The learned counsel for the petitioner is seeking quashing of the complaint case being C.R. Case No. 1364/2023, pending before the learned JMFC, Kamrup(M), Guwahati.
3. The complaint has been filed invoking the provisions of Section 138 of N.I. Act.
4. The learned counsel submits that the peititoner is primary contention is that there is no legally enforceable debt between the parties which is one of the foundational fact to invoke the jurisdiction under 138 N.I. Act.
5. On the contrary, the leanred counsel for the complainant submits that the issue of existence or otherwise of legally enforceable debt might be a matter of trial.
6. The criminal petition is admitted for hearing.
7. No fresh notice be served. It appears that vide order dated 11.10.2023, further proceedings of C.R. No. 1364/2023 is under an order of stay. The said interim order shall continue till the next date of listing.
8. List on 09.12.2025 for hearing.

JUDGE

Comparing Assistant