

GAHC010234242025



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

Case No. : Crl.Pet./1283/2025

MR GAYAZ
S/O- BASHEER AHANNED, RESIDENT OF ARASU MAKKALA STREET,
KOTE, KADUR, CHICKMAGALUR, KARNATAKA-577548. BUSINESS
ADDRESS- M/S AAINA TRADERS, 197/7 GROUND, MUDIYAPPA BADAVANE,
PATTANAGERE ROAD, KADUR, CHIKKAMAGALURU, KARNATAKA-577548.

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP, ASSAM

2:MD HAFIJUR RAHMAN
SON OF NUR MAHAMMAD ALI
RESIDENT OF WARD NO. 7
WAHAB NAGAR
KHARUPETIA
P.SKHARUPETIA
DISTRICT- DARRANG
ASSAM

Advocate for the Petitioner : MR. J I BORBHUIYA, MR A HOSSAIN, W.H. DEVI, MR. L MOHAN, MRS. K H CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN**

ORDER

29.10.2025

Heard Mr. J. I. Borbhuiya, learned counsel for the petitioner and Mr. P. S. Lahkar, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 528, read with Sections 438/442 of the BNSS, 2023, the petitioner has challenged the FIR, registered as Kharupetia Police Station Case No. 143/2024, under Sections 420/406 of the IPC.

Mr. Borbhuiya, learned counsel for the petitioner submits that although in the FIR, it has been alleged that the petitioner had taken a consignment, which was transported to the respective destination; but no payment for the same was made to the informant. However, the payment was in fact made by the petitioner and for that, he had placed the bank statement as Annexure-3 in his petition.

Issue notice.

The petitioner is directed to take steps for service of notice upon the respondent No. 2 by a registered post with A/D as well as by usual process.

Call for the case diary, pertaining to Kharupetia Police Station Case No. 143/2024.

List this matter after **2 (two) weeks**.

The interim prayer of the petitioner shall be considered after perusal of the

case diary.

JUDGE

Comparing Assistant