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

Case No. : Crl.Pet./1466/2025

JUN GOGOI
SON OF PUNA GOGOI
R/O NIZ KADAMONI BOIRAGIMOTHDIBRUGARH, ASSAM, PIN-786003

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:PRASANTA KAKOTY
SON OF LATE JATIN KAKOTY
RESIDENT OF AJANTA DUTTA
ANAJORI PATH
GANDHINAGAR
DIBRUGARH
ASSAM
PIN-78600

Advocate for the Petitioner : MR. P D NAIR, MR S R A NASER,MR G ALAM

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN**

ORDER

24.11.2025

1. Heard Mr. A. Phukan, learned counsel for the petitioner. Also heard Mr. K.K.

Das, learned Additional Public Prosecutor for the State of Assam.

- 2.** By this application filed under Section 528 of the BNSS, 2023, the petitioner has challenged the proceedings of Complaint Case No. 51/2025, registered under Sections 356/318(4)/351/248/336 of the BNS, which is presently pending before the Court of the learned Judicial Magistrate First Class, Dibrugarh.
- 3.** The petitioner has also challenged the order dated 23.05.2025 passed by the learned Judicial Magistrate First Class, Dibrugarh, whereby notice was issued to the petitioner for hearing on the point of cognizance, as required under the proviso to Section 223(1) of the BNSS, 2023.
- 4.** Mr. Phukan, learned counsel for the petitioner, submits that the complaint has been filed against the petitioner on two main counts. Firstly, in 2022, the petitioner had lodged a complaint against the complainant regarding the collection of parking fees from buses plying through various stations, pursuant to which an enquiry was conducted and the complainant in the present case was brought to book. Secondly, another signatory to the said complaint in 2022 stated that his signature was taken forcibly and that he was not involved in the said complaint regarding illegal parking fees.
- 5.** The learned counsel submits that the present complaint was lodged as a retaliatory action in response to the complaint filed by the petitioner with various authorities against the actions of the present complainant.
- 6.** Issue notice. The petitioner shall take steps to serve notice upon Respondent No. 2 through registered post with acknowledgment due (A/D), returnable by the usual process in two weeks.
- 7.** Mr. K. K. Das, learned APP for Respondent No. 1, however, submits that the complaint lodged by the complainant contains material allegations against the

present petitioner.

8. In view of the submissions made at the Bar, the statements contained in the complaint petition, and particularly the fact that the complainant has stated that his reputation was affected by the complaint lodged by the petitioner, and that a letter of apology was tendered by one of the witnesses, who was also a complainant along with the petitioner in relation to illegal parking fees, this Court finds it fit to stay the further proceedings of CR Case No. 51/2025 pending before the Court of the learned Judicial Magistrate First Class, Dibrugarh, until the next returnable date.
9. List this matter on 19.12.2025

JUDGE

Comparing Assistant