

GAHC010243122024



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

Case No. : Crl.Pet./1414/2024

HRIDAY RAJKHOWA
S/O PRAKASH RAJKHOWA
R/O GHAR ENCLAVE FLAT NO. 4F, B BLOCK, OPPOSITE OF MANISHA
APARTMENT, SIX MILE, JAYANAGAR ROAD, GUWAHATI-781028, DIST.
KAMRUP (METRO), ASSAM

VERSUS

PRATUL DEKA AND 3 ORS
S/O LATE KANDALU RAM DEKA
R/O SHANTIGRAM HOUSING COMPLEX, TRIPURA ROAD, KHANAPARA,
PIN-781022, GUWAHATI, DIST. KAMRUP (METRO), ASSAM

2:THE DESIGN ENGINEERED CONCRETE PRIVATE LIMITED

REPRESENTED BY ITS DIRECTOR SRI MAHARNAB BHARALI
HOUSE NO. 7
MAYA PATH
WARD NO. 31
PANJABARI ROAD

GUWAHATI-781022
GUWAHATI
DIST. KAMRUP (M)
ASSAM

3:SRI MAHARNAB BHARALI
S/OJOGEN BHARALI
PRESENTLY RESIDING AT C/O MRS. SIKHA BAISHYA
STATE BANK OF INDIA
4TH AND 5TH FLOOR
RED FORT CAPITAL

PARSVNATH TOWERS
BHAI VEER SINGH GOLE MARKET
NEW DELHI-110001

AND PERMANENT RESIDENT OF
C/O JOGEN BHARALI
R/O VILL- SUALKUCHI (LAKSHMI NATH NAGAR)
P.O. SUALKUCHI
PIN-781103
DIST. KAMRUP
ASSAM

4:SRI BIPUL BARUAH
S/O ASWINI KUMAR BARUAH
R/O RAHADHAR BIRKALA
P.O. PATHSHALA PIN-781325
DIST. BARPETA
ASSA

Advocate for the Petitioner : MR. K BORUAH, MS. P BORAH,MR. M ALAM

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 05.02.2025

- 1.** Heard Mr. K. Boruah, learned counsel for the petitioner.
- 2.** This application under Section 528 of the BNSS, 2023 has been filed by the petitioner, namely, *Hriday Rajkhowa*, impugning the order dated 10.10.2023 passed by the learned Judicial Magistrate, 1st Class, Kamrup(M) in CR Case No. 4688/2023 whereby the cognizance of offence under Section 138 of NI Act, 1881 has been taken, *inter alia*, against the present petitioner also.
- 3.** Issue notice to the respondents.

4. The petitioner shall take steps for issuance of notice upon the respondents by registered post with A/D as well as by usual mode within three days from the date of this order, returnable on 21st of March, 2025.

5. The interim prayer shall be considered only after service of notice upon the respondents.

JUDGE

Comparing Assistant