

GAHC010252322022



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

**Case No. : Crl.A./335/2022**

MOSTAFIZUR RAHMAN @ MUSTAKIN @ KHUJU  
S/O BANISH UDDIN,  
VILL.- BORABALU,  
P.O.- HAJIRHAT,  
P.S.- SUKCHAR,  
DIST.- SOUTH SALMARA MANKACHAR, ASSAM, PIN- 783128.

VERSUS

THE STATE OF ASSAM AND ANR.  
REP. BY P.P., ASSAM.

2:ABED HUSSAIN  
S/O MOFFIUL HOQUE

VILL.- BORABALU

P.O.- HAJIRHAT

P.S.- SUKCHAR

DIST.- SOUTH SALMARA MANKACHAR  
ASSAM  
PIN- 783128

**Advocate for the Petitioner : MR. S C BISWAS**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE MANISH CHOUDHURY**  
**HONOURABLE MRS. JUSTICE MALASRI NANDI**

**ORDER**

**Date : 04.03.2024**

**[M. Choudhury, J]**

Mr. N. Mahajan, learned counsel has submitted that he has recently entered appearance for the accused-appellant in place of the earlier set of counsel.

Also heard Ms. B. Bhuyan, learned Additional Public Prosecutor for the respondent no. 1 State of Assam.

As per office note dated 21.02.2024, the learned counsel for the accused-appellant has not yet collected the paper book from the Registry. The paper book may be received by the new set of counsel engaged on behalf of the accused-appellant. By order dated 19.12.2022, steps for service of notice upon the respondent no. 2 was directed to be taken by registered post with A/D within a week therefrom. The office notes do not indicate that such steps have been taken till date. Thus, fresh steps for service of notice upon the respondent no. 2 appear necessary.

The Registry is to furnish a soft copy of this order along with the appeal petition to Ms. Bhuyan, learned Additional Public Prosecutor, who shall forward the same to the Officer In-Charge of Sukchar Police Station, as the matter pertains to Sukchar Police Station Case no. 71/2019. The Officer In-Charge, Sukchar Police Station shall thereafter forward the said soft copy and inform the victim/guardian of the victim regarding pendency of this appeal. He shall send a report regarding service of notice to the above.

It may be clarified here that it is not obligatory for the victim/guardian of the victim/informant to appear in this appeal proceedings. However, the above person shall have participatory rights in the appeal, if chosen to do so.

List the case after 4 [four] weeks.

**JUDGE**

**JUDGE**

**Comparing Assistant**