

GAHC010275452025



undefined

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

Case No. : Crl.Pet./1574/2025

ALOKESH DAS AND ANR
S/O LATE SHIBENDRA NR. DAS
R/O LACHIT NAGAR, GOALPARA
P.O. AND P.S. GOALPARA
PIN- 783121
DIST. GOALPARA, ASSAM

2: NUR MOHAMMAD ALI
S/OLATE MOMTAZ ALI
R/O BHALUKDUBI
GOALPARA
P.O.AND P.S. GOALPARA
DIST. GOALPARA
ASSAM
PIN NO. 78312

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. P J SAIKIA, SR. ADV, MR K J SAIKIA,MS M NIROLA,MD A RAHMAN,MR. M RAHMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

Date : 24/03/2026

1. Heard Mr. P.J. Saikia, learned senior counsel assisted by Mr. A. Rahman, learned counsel for the petitioner and Mr. M.P. Goswami, learned APP, Assam, appearing for the State.
2. This criminal petition under Section 528, Bharatiya Nagarik Suraksha Sanhita, 2023 is preferred seeking quashing of an Order dated 02.09.2025, passed by the Court of SubDivisional Judicial Magistrate [S], Goalpara [‘the Trial Court’, for short] in PRC Case no. 501/2025, whereby, the learned Trial Court has taken cognizance of the offences under Section 196[2], Section 299 and Section 352 of Bharatiya Nyaya Sanhita [BNS], 2023 and issued process against the petitioners for their appearance to stand in the trial. The petitioners have also sought setting aside and quashing of Charge-Sheet no. 85/2025 dated 29.06.2025 submitted after investigation into Goalprara Police Station Case no. 106/2025 registered at the instance of one private individual as an Office bearer of an Organization.
3. It is submitted by the learned counsel for the petitioner that in view of section 217 BNSS, which bars taking cognizance of the offence under section 196 and 299 BNS by the Magistrate in the absence of sanction, the impugned order is not sustainable, inasmuch as, no prior sanction has been obtained.
4. On perusal of the available materials on record and in view of the aforesaid provision of law, further proceeding in PRC Case No. 501/2025 under section 196(2)/299/352 of BNS, 2023, is hereby stayed until further order.
5. Since TCR has already been received, list the matter for hearing on 28/04/2026.

JUDGE

Comparing Assistant