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

Case No. : I.A.(Crl.)/415/2026

ARUP JYOTI PATHAK
S/O INDRAJIT PATHAK, HOUSE NO 108, PANJABARI, BAGHORBARI,
CHANEKI PATH, PANJABARI, GUWAHATI 781037, KAMRUP M, ASSAM.

VERSUS

SABITA DAS AND ANR
W/O LATE BENUDHAR DAS, VILL. DODORA GUPALPUR, NEAR GUPAL
THAN MANDIR, P.O. DODORA, P.S. HAJO., PIN 781104, ASSAM.

2:THE STATE OF ASSAM

REPRESENTED BY PP
ASSAM

Advocate for the Petitioner : MR. A ROY, MR. U DUTTA, MS S RAJBONGSHI

Advocate for the Respondent : PP, ASSAM, DR. J. D. KHAUND(R-1), S L QADER(R-1), KRISHANGI DAS(R-1)

Linked Case : Crl.Pet./1622/2025

ARUP JYOTI PATHAK
S/O INDRAJIT PATHAK
HOUSE NO 108
PANJABARI
BAGHORBARI
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Advocate for : MR. A ROY
Advocate for : PP
ASSAM appearing for SMTI SABITA DAS AND ANR

BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

30.04.2026

Heard Mr. A.Roy, learned counsel appearing for the petitioner. Also heard Mr. K. Baishya, learned Addl. PP.

The learned counsel for the petitioner has submitted that Interlocutory Application has been preferred praying for quashing of charge sheet No.401/2025 dated 23.11.2025 in connection with Hajo Police Station Case No.436/2025 as well as the Order dated 25.03.2026 passed by the learned Judicial Magistrate First Class Hajo Kamrup, in connection with PR Case No..212/2026 insofar as it relates to the present petitioner, since a challenge to the FIR which had initiated the entire proceedings is already made in the connected in the Criminal Petition No. 162/2025.

Issue notice.

Ms. K.Das, learned counsel appears on behalf of Dr. J D.Khaund for the opposite party No. 1, who also appears for the respondents in the connected Criminal Petition.

Mr. K. Baishya, learned Addl. PP, already represents the State of Assam i.e., respondent No. 2.

Since the opposite parties are represented, no formal steps are called for.

Extra copies may be required upon the counsel for the opposite parties.

List the matter on 26.05.2026, allowing the opposite parties to respond to the present petition.

The learned counsel for the petitioner has submitted that since there is no stay operating in the connected Criminal Petition, the petitioner may be prejudiced if he is forced to participate in the Trial proceedings at this stage.

We have gone through the contents of the FIR, and the charge sheet which have been placed on record before us.

In view of the circumstances, this Court is of the opinion that the participation of the petitioner in the Criminal Trial during the pendency of the petition shall not act to his prejudice and the order passed in this Criminal Petition and/or the Interlocutory Application at the later date will govern the orders passed in the Trial proceedings.

Registry to issue reminders to the learned Trial Court to send the Scan copy of the TCR along with the CD portion for perusal of this Court.

JUDGE

Comparing Assistant