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

Case No. : Crl.Pet./1611/2025

MANJU DUTTA
W/O SRI DIBAKAR BORA
R/O TETELITOL, HOUSE NO. 199, ODALBAKRA, KAHILIPARA, P.S. DISPUR,
GUWAHATI-781033, DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP, ASSAM

2:CHANDAN DAS
SON OF M R. DHARMA KANTA DAS
RESIDENT OF UPPER HOUSE NO. 12
BONKORWAR NAGAR
KHARGULI
OPP. KHARGULI
P.O. P.S. LATASIL
GUWAHATI
KAMRUP (M)
ASSAM

Advocate for the Petitioner : MR. M ALAM, MS. M BHUYAN,MS P DAS,MS. P BORAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 19.12.2025

Heard Ms. P. Borah, learned counsel for the petitioner and Ms. A. Begum, learned Additional Public Prosecutor for the respondent no. 1, State of Assam.

2. This criminal petition under Section 528, Bharatiya Nagarik Suraksha Sanhita [BNSS], 2023 is preferred to assail an Order dated 10.06.2025 passed by the Court of Judicial Magistrate, First Class, Kamrup [Metro], Guwahati [‘the Trial Court’] in C.R. Case no. 747/2018. By the Order dated 10.06.2025, the Trial Court has allowed the application preferred by the accused therein, that is, the respondent no. 2 herein under Section 311, CrPC seeking further cross-examination of the petitioner-complainant. The complainant submitted her evidence on affidavit as P.W.1 and thereafter, she was cross-examined on 20.12.2024. The petition under Section 311, CrPC was filed on 13.03.2025 on the ground that the earlier set of counsel representing the accused did not properly cross-examine the complainant-P.W.1. In the application filed under Section 311, CrPC, it was represented that the complainant was a professional money lender and he used to lend un-accounted money. It was on such aspects, the complainant would be required for further cross-examination.

3. Issue notice, returnable on 13.02.2026.

4. As Ms. Begum has appeared and accepted notice on behalf of the respondent no. 1, issuance of formal notice in respect of the said respondent stands dispensed with. The petitioner shall serve an extra copy of the petition along with annexures, to Ms. Begum within 2 [two] working days from today.

5. The petitioner shall take steps for service of notice upon the respondent no. 2 by Speed Post within 2 [two] working days from today.

6. Having regard to the grounds urged in the application under Section 311, CrPC; and the contention advanced on behalf of the petitioner that the impugned Order is not inconformity with the provisions of Section 311, CrPC; it is ordered that operation of the impugned Order dated 10.06.2025 shall remain suspended till the returnable date.

JUDGE

Comparing Assistant