

GAHC010286112025



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

Case No. : Crl.Rev.P./12/2026

NOYMUL HUSSAIN LASKAR
S/O- LT. FAIZ UDDIN AHMED LASKAR.
R/O- VILLAGE- KANAKPUR PART II, P.S- SILCHAR, DIST-CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:AJMOL HUSSAIN LASKAR
S/O- NAZIR UDDIN LASKAR.
R/O- VILL- UTTAR KRISHNAPUR
P.S.- SILCHAR

DISTRICT- CACHAR
ASSAM
PIN- 78800

Advocate for the Petitioner : MR M AHMED, MR A. ALI,A. K. KANU

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

05.08.2026

Heard Mr. M. Ahmed, learned counsel for the petitioner and Mr. P. Barthakur, learned Additional Public Prosecutor for the State.

In this application, under Section 438 of the BNSS, 2023, read with Section 442 & 528 BNSS, 2023, the petitioner, namely, Noymul Hussain Laskar, has challenged the order dated 12.11.2025, passed by the learned Additional Chief Judicial Magistrate, Dima Hasao, in C.R. Case No. 02/2025, on the ground that the complaint case is not maintainable in law, being hit by the principal of Res-judicata.

The learned counsel for the petitioner submits that the petitioner herein has earlier filed on complaint case, being C.R. Case No. 01/2025, and in the said complaint case, the learned Court below has called for one report from the police and after perusal of the police report, the learned Trial Court has closed the matter and the same was not decided on merit and he also submits that the principle of res-judicata is not applicable in a complaint case.

The submission of Mr. Ahmed needs further consideration.

At this stage, notice be issued to the respondents, returnable on 14.09.2026.

However, no formal notice is required to be furnished to the respondent No. 1, as Mr. Barthakur has entered appearance and received notice. But, extra requisite copy of the petition be furnished to him during the course of the day.

Steps upon respondent No. 2 be taken by speed post and also by usual process, within a week from today.

Registry shall call for the records of C.R. Case No. 01/2025 and C.R. Case No. 02/2025, from the learned Court below.

List this matter on **14.09.2026**.

JUDGE

Comparing Assistant