

GAHC010286232025



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

Case No. : I.A.(Crl.)/1398/2025

AHMED HUSSAIN
SON OF LOKMAN ALI, RESIDENT OF MANIPUR, PART-1, P.O. AND P.S.-
BOGRIBARI, DISTRICT- KOKRAJHAR, ASSAM. PIN CODE- 783349.

VERSUS

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

2:HABIBUR RAHMAN
S/O- LATE JINNER UDDIN
R/O- VILL.- SHOLMARI
P.O- SHOLMARI AND P.S.- BILASIPARA
DIST.- DHUBRI
ASSAM PIN.-78330

Advocate for the Petitioner : MS S CHAKRABORTY,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 19.01.2026
[Manish Choudhury, J.]

Heard Ms. S. Chakraborty, learned counsel for the applicant-appellant and Mr. R.R. Kaushik, learned Additional Public Prosecutor for the opposite part-respondent no. 1, State of Assam.

The applicant as the appellant has preferred the accompanying criminal appeal under Section 415, Bharatiya Nagarik Suraskha Sanhita [BNSS], 2023 to assail a Judgment and Order dated 14.02.2025 passed by the Court of learned Sessions Judge, Kokrajhar [‘the Trial Court’, for short] in Sessions Case no. T1/72/2019. By the Judgment and Order dated 14.02.2025, the applicant-appellant has been convicted for the offence of murder under Section 302, Indian Penal Code [IPC] and he has been sentenced to undergo rigorous imprisonment for life and to pay a fine of Rs. 10,000/-, with default stipulation.

This interlocutory application is preferred by the applicant-appellant to strike out the name of the opposite party no. 2, who has been arrayed as respondent no. 2 in the accompanying criminal appeal, on the ground that the prosecution is represented by the State and impleadment of the opposite party-respondent no. 2 who was the informant, is not necessary.

Mr. Kaushik, learned Additional Public Prosecutor for the opposite party-respondent no. 2 has submitted that since the State had prosecuted, the informant would not be a necessary party.

In view of the above submissions made by the learned counsel for the parties, the instant interlocutory application stands allowed, thereby, allowing the prayer of the applicant-appellant for striking off the name of the opposite party-respondent no. 2 from the array of respondents in the accompanying criminal appeal.

The Registry to carry out the necessary correction.

JUDGE

JUDGE

Comparing Assistant