

GAHC010289552025



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

Case No. : Crl.Pet./12/2026

BOLORAM GUPTA AND ANR
S/O SHIV KUMAR GUPTA
R/O DAILY BAZAR, WARD NO. 2 P.O. DERGAON, P.S. DERGAON DIST.
GOLAGHAT, ASSAM PIN-785614

2: RAHUL GUPTA
S/O SHIV KUMAR GUPTA R/O DAILY BAZAR
WARD NO. 2 P.O. DERGAON
P.S. DERGAON DIST. GOLAGHAT
ASSAM PIN-78561

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE LD. GOVT. PP, GOVT. OF ASSAM

2:SAMIMA SULTANA
W/O AFTABUR ROHMAN R/O DARBAR ROAD TINIALI WARD NO.3 P.O.
AND P.S. SIVSAGAR DIST. SIVSAGAR
ASSAM PIN-78564

Advocate for the Petitioner : DARAK ULLAH, SABRISH AHMED, MS A HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : --08.01.2026

Heard Mr. D. Ullah, learned counsel for the petitioners and Ms. S.H. Borah, 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 seeking quashing of criminal proceedings of complaint case, CR Case no. 92/2025, presently pending before the Court of learned Judicial Magistrate, First Class, Sivsagar, Assam [‘the Trial Court’, for short].

3. The Trial Court on the basis of the complaint and the initial deposition of the complainant-respondent no. 2 as C.W.1 took cognizance on the complaint and issued process against the two petitioners.

4. Issue notice, returnable on 18.02.2026.

5. As Ms. Borah, learned Additional Public Prosecutor has appeared and accepted notice for the respondent no. 1, State of Assam, formal notice need not be issued to the said respondent. Mr. Ullah, learned counsel for the petitioners shall furnish an extra copy of the criminal petition along with the annexures, to Ms. Borah within 2 [two] working days from today.

6. The petitioners shall take steps for service of notice upon the respondent no. 2 by speed post, within 3 [three] working days from today.

7. The scanned copies of CR Case no. 92/2025 be called for.

8. The gist of the allegations in the complaint and in the initial deposition of the complainant-respondent no. 2-C.W.1 recorded under Section 223, BNSS are that during the period from 2015-2019, the petitioner no. 1 borrowed different sums from the complainant from time to time totaling Rs. 2,36,232/- with an assurance to repay the same within a period of three years. The petitioner no. 1 did not, however, return the entire money except an amount of Rs. 9,000/-. When after repeated requests from the complainant, the petitioners did not return the amount of Rs. 2,27,232/-, the complainant stated to have instituted the complaint case for recovery of Rs. 2,27,232/- in the year 2025, finding no alternative.

9. In view of such fact situation obtaining in the case, further proceedings of CR Case no.

92/2025, presently pending before the Court of learned Judicial Magistrate, First Class, Sivsagar, Assam shall remain suspended till the returnable date.

JUDGE

Comparing Assistant