

GAHC040008152019



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

Case No. : CrI.A./22/2019

TILOK ROY BHOWMICK
S/O LT. ANJAN ROY BHOWMICK, RESIDENT OF TEZPUR, RUBBER BAGAN,
PS SADAR THANA TEZPUR, PO TEZPUR, DISTRICT SONITPUR, ASSAM.

VERSUS

THE STATE OF A.P. AND ANR.
THROUGH THE PUBLIC PROSECUTOR, AP. 2:SRI JUREN DEKA
Age: 0
Occupation :
S/O SHRI SUREN DEKA
MAUZA
KALITAPATRA
PS KALAIGAON
DIST. UDALGURI
ASSAM

Advocate for the Petitioner : MsS V Darang, MsK Bagra,D Yoka

Advocate for the Respondent : P P of AP, ,

B E F O R E
HON'BLE MR. JUSTICE KARDAK ETE
HON'BLE MR. JUSTICE BUDI HABUNG

ORDER

01.10.2024

(Kardak Ete, J.)

Heard Ms. S.V. Darang, legal Aid Counsel for the appellant. Also heard Mr. T. Ete, learned Addl. P.P. for the State respondents.

This Court on 07.04.2022, after hearing the parties and on perusal of the record has passed the following orders:-

“22. In the circumstance, we exercise our power under Section 391 of Cr.P.C, and send the matter back to the Court of learned Sessions Judge, Yupia for recording of further evidence as to on which date, the accused/appellant Tilak Roy Bhowmick and the deceased Phukan Deka were together at Hotel Ajin at Nirjuli. If necessary, by requiring further investigation pertaining to the Guest Register etc. of the Hotel as well as from the PW-1 and PW-2 who had already deposed. The other evidence to be led as to whether the accused Dadar Lorah (absconder) and the accused/appellant Tilak Roy Bhowmick were together so that a link can be established that the two accused were together in the offending vehicle, so as to cause the death of the driver or whether the accused/appellant Tilak Roy Bhowmick knowingly had handed over the deceased to the other person so that the further offence can be caused.

23. The appeal is kept pending for adjudication and to be taken up after the additional evidence as ordered is brought on record.

24. The LCR be returned back to the learned Court of Sessions Judge, Yupia for recording of further evidence and thereafter be re-send to this Court to continue with this appeal.”

Office note dated 18.04.2022 reflects that the record was return to the Court of Sessions, Yupia, as directed by this Court. However, nothing is placed on record as per the order of this Court as mentioned herein above, even after lapse of 2 years.

In view of above, we remind and direct the learned Sessions Judge, Yupia, to comply with the order of this Court dated 07.04.2022.

In the meantime, the Registry to call for the status of the case from the learned Sessions Judge, Yupia.

List this matter after 6(six) weeks.

JUDGE

JUDGE

Comparing Assistant