

GAHC040019382025



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

Case No. : Crl.Petn./263/2025

Dewan Natung
authorized signatory of M/s JSC Buer Hills Engineering, having its registered office
at Seppa, East Kameng District, Arunachal Pradesh having Branch Office near Durga
mandir, Near Banquet Hall, Niti Vihar, Itanagar, Papum Pare District, Arunachal
Pradesh 79111

VERSUS

The National Highway Infrastructure and Development Corporation Ltd and 2 Ors
1st and 2nd Floor, Tower -A, World Trade Centre, Nauroji Nagar, New Delhi.

2:Bivek Joshi

Age: 0

Occupation :

Son of Debu Lal Joshi

Deputy General manger (Projects) National Highways Infrastructure and
Development Corporation Ltd

Project Mentioning Unit (PMU)-Dibrugarh

Opposite SBI ATM

Bye Lane-5

Dibrugarh Railway Station Road

Banipur

District Dibrugarh

Assam 786003

3:The State of AP

represented by the PP of A

Advocate for the Petitioner : Dorjee Phinjo Sona, 1 R Singhi,S K Sharma

Advocate for the Respondent : P P of AP,

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 24.11.2025

Heard Mr. Sushil Kr. Sharma, learned counsel for the petitioner.

2. By way of filing the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita(BNSS), 2023, the petitioner has assailed the order, dated 25.08.2025, passed by the learned revisional Court of Sessions Judge, Yupia, in Criminal Revision Petition No. 08/2025, whereby, the learned Sessions Judge, Yupia, while setting aside the order, dated 25.03.2025, passed by the learned Court of Judicial Magistrate First Class, Yupia[in Itanagar P.S. Case No. 38/2025], and the order, dated 23.04.2025, passed by the learned Court of Judicial Magistrate First Class, Yupia[in Zimma Application No. 18/2025 filed by the petitioner, herein, under Section 497 of the Bharatiya Nagarik Suraksha Sanhita, 2023], had directed the authorities concerned to restore the Bank Guarantee No. 0543NDDG00032324 dated 21.09.2023, and Bank Guarantee No. 0543NDLG00033124, dated 28.09.2023.

3. It is submitted that the respondent Nos. 1 & 2 i.e. National Highway Infrastructure and Development Corporation Ltd.(NHIDCL), and Shri Bivek Joshi, Deputy General Manager(Projects), National Highway Infrastructure and Development Corporation Ltd.(NHIDCL), PMU, Dibrugarh, which filed the criminal revision petition, were neither parties to the First Information Report(FIR), nor, to the judicial proceedings before the Judicial Magistrate First Class, Yupia. Further, the Bank Guarantees were already liquidated and returned to the petitioner prior to the filing of the revision petition, making the same infructuous and the revisionists, therefore, had no locus standi.

4. However, it is stated that despite the above-mentioned position being apprised before the Court; the learned Sessions Judge, Yupia, entertained the petition and passed the impugned order, dated 25.08.2025.

5. Issue notice.

6. Call for the original trial Court records in respect of Criminal Revision Petition No. 08/2025[National Highway Infrastructure and Development Corporation Ltd.(NHIDCL) & anr. v. State of Arunachal Pradesh & anr.] from the Office of the District & Sessions Judge, Yupia, and the scanned copies of the Itanagar P.S. Case No. 38/2025[State v. Shri Binod Kr. Agarwal] from the Office of the Judicial Magistrate First Class, Yupia.

7. Since Mr. Duksor Loyi, learned Public Prosecutor, Arunachal Pradesh, has appeared and accepted notice on behalf of respondent No. 3, no formal notice need be issued to the said respondent.

8. Learned counsel for the petitioner shall take necessary steps for causing service of notice upon the respondent Nos. 1 & 2 by registered post with A/D as well as by usual process within a week from today.

9. In the meantime, considering the contentions made in this petition; the impugned order, dated 25.08.2025, passed by the learned revisional Court of Sessions Judge, Yupia, in Criminal Revision Petition No. 08/2025, shall remain stayed till the next date of listing.

10. As sought for by the learned counsels appearing for the parties, list it immediately after receipt of the trial Court records, in question.

JUDGE

Comparing Assistant