

GAHC040006032023



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

Case No. : Crl.Petn. 77/2023

1: Indra Devi and 3 Ors.
W/o Shri Raj Kumar Gattani,
Permanent Resident of Ward No. 30, Nearby Hariram Ji Mandir Nokha, Bikaner
Rajasthan 334803, and presently residing at Ganga Market, near Rajasthan Sweets,
Itanagar, Papumpare District, Arunachal Pradesh.
Phone No. 7568976065

2: Raj Kumar Gattani
Permanent Resident of Ward No. 30
Nearby Hariram Ji Mandir Nokha
Bikaner Rajasthan 334803
C/o City Hardware Akashdeep
Itanagar
Arunachal Pradesh.

3: Jummo Geiyi
S/o Late Karjum Basar

Permanent Resident of Village Nyigam
PO/PS Basar
Leparada District
Arunachal Pradesh and presently residing at O Point Itanagar
PO/PS Itanagar
District Papumpare
Arunachal Pradesh.

4: Ginnya Geiyi
W/o Jummo Geiyi

Permanent Resident of Village Nyigam
PO/PS Basar

Leparada District
Arunachal Pradesh and presently residing at O Point Itanagar
District Papumpare
Arunachal Pradesh

VERSUS

1:THE STATE OF AP
To be represented through the Id. Public Prosecutor.

Advocate for the Petitioner : Idak Bam

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE NANI TAGIA

ORDER

Date : 16.05.2023

Heard Mr. Idak Bam, learned counsel for the petitioner. Also heard Mr. T. Ete, learned Additional Public Prosecutor for the State.

This petition, under Section 482 of the Code of Criminal Procedure, 1973, has been filed by the petitioners for setting aside of the order dated 29.09.2022 passed in CR Case No. 27/2021 by the learned Chief Judicial Magistrate, Capital Complex, Yupia, convicting the accused/petitioner no. 2 for an offence under Section 138/142 of Negotiable Instrument Act, 1881 and sentencing the accused/petitioner no. 2 to pay a fine of Rs. 13,80,000/- (Rupees Thirteen Lakhs Eighty Thousand only) to the complainant/petitioners no. 3 & 4 within 3(three) months and in default to undergo a Simple Imprisonment for 6(six) months as well as the order dated 30.01.2023 passed in CR Case No. 27/2021 by the learned Chief Judicial Magistrate, Capital Complex, Yupia, remanding the accused/petitioner no. 2

to the District Jail, Jullu for undergoing Simple Imprisonment for 6 months and in default a fine of Rs. 13,80,000/- to the complainant/petitioner 3 & 4.

This is a joint petition filed by the petitioners no. 1, 2, 3 & 4. Petitioner no. 1 is the wife of the petitioner no. 2/convict and the petitioners no. 3 & 4 are the complainant.

The petition has been supported by an affidavit sworn by the petitioner no. 1 stating that she has been duly authorized by other two petitioners, whereas there are another three petitioners apart from the petitioner no. 1, who had sworn the affidavit. Though the petitioner no. 1, who has sworn the affidavit has stated in the affidavit that she has been authorized by the other two petitioners, no such authorization letters by the other petitioners has been enclosed in the petition.

Mr. Ete, learned Additional Public Prosecutor has also pointed out that these petitioners had earlier filed another petition, under Section 482 of the Cr.P.C., being Crl.Petn.25/2023, which was withdrawn on 09.05.2023, which fact, has also not been disclosed in the instant petition.

In the aforesaid circumstances, Mr. Bam, learned counsel for the petitioner, once again prays to withdraw the instant criminal petition.

Though the conduct of the petitioners are not found to be bonafide, yet, it in the interest of justice, the prayer made by the learned counsel for the petitioner is allowed and the petitioners are permitted to withdraw the instant petition with a liberty granted to the petitioners to approach this Court again, if so advised.

The criminal petition is dismissed on withdrawal with a liberty granted to

the petitioners to approach this Court again, if so advised.

JUDGE

Comparing Assistant