



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

Case No. : Crl.Petn./109/2023

Gora Makik
Son of Lt. Gora Tama,
Resident of Sangram, District Kurung Kumey, Arunachal Pradesh, Pin 791118

VERSUS

THE STATE OF AP and Anr
through Public Prosecutor of AP.

2: T. Jampen
Age: 0 Occupation : Deputy Commissioner Dibang Valley District
Dibang Valley Arunachal Pradesh Pin 79210

Advocate for the Petitioner : Taba Tagum

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE NANI TAGIA

ORDER

Date : 23-08-2023

Heard Mr. R. Koyu, learned counsel for the petitioner. Also heard Mr. G. Tado, learned Additional Public Prosecutor for the State of Arunachal Pradesh/respondent no. 1.

2. By means of this application filed under Section 482 of the Cr.P.C., 1973, the petitioner has put to challenge the Charge-Sheet No. 11/2010, dated

29.06.2010, in G. R. Case No. 31/2021, arising out of Anini Police Station Case No. 25/2009, under Sections 406/407 IPC. Also put to challenge is the order dated 27.07.2021, passed by the learned Judicial Magistrate First Class, Anini, in G.R. Case No. 31/2021, arising out of Anini Police Station Case No. 25/2009, taking cognizance of the offence punishable under Sections 406/407 IPC, against the petitioner, along with one *Shri Jayanta Borah* and *Shri Puinnyo Apum*.

3. This Court, by an order dated 22.06.2023, while issuing notice to the respondent no. 2 and calling for the scanned copy of the LCR, had stayed the proceeding of the G. R. Case No. 31/2021, under Sections 406/407 IPC, pending before the Court of the learned Judicial Magistrate First Class, Anini.

4. The scanned copy of the LCR as called for by this Court, vide order, dated 22.06.2023, has been received.

5. On perusal of the records received, it appears that after the case was taken cognizance of by the learned Judicial Magistrate First Class, Anini, vide order dated 27.07.2021, fixing 27.08.2021 as the next date of appearance, the case was listed before the Court of the learned Judicial Magistrate First Class, Anini on 27.08.2021, 27.09.2021, 29.10.2021, 29.11.2021, 28.01.2022, 28.02.2022, 28.03.2022, 28.04.2022, 30.05.2022, 27.06.2022, 27.07.2022, 24.08.2022, 28.09.2022, 28.10.2022, 29.11.2022, 30.01.2023, 28.02.2023, 28.03.2023, 27.04.2023, 29.05.2023 and 28.06.2023. On none of the dates fixed, as above, the petitioner was present before the learned Judicial Magistrate First Class, Anini.

6. Considering the above that the G. R. Case No. 31/2021, pending before

the Court of the Judicial Magistrate First Class, Anini could not proceed further after the cognizance of the offence punishable under Sections 406/407 IPC was taken cognizance of by the learned Judicial Magistrate First Class, vide the order dated 27.07.2021, due to non-appearance of the petitioner before the learned Judicial Magistrate First Class, Anini and also having regard to the fact that the petitioner would have all the remedies provided under the Cr.P.C., before the Trial Court as well as the Appellate Court and the Revisional Court, once the trial of the G. R. Case No. 31/2021, pending before the Court of the learned Judicial Magistrate First Class, Anini proceeds further, I am of the considered view that no case for interference by this Court, in exercise of the inherent power of this Court, under Section 482 of the Cr.P.C., has been made out by the petitioner.

7. Accordingly, this petition filed by the petitioner under Section 482 of the Cr.P.C. challenging the Charge-Sheet No. 11/2010, dated 29.06.2010, in G. R. Case No. 31/2021, arising out of Anini Police Station Case No. 25/2009, under Sections 406/407 IPC and the order, dated 27.07.2021, passed by the learned Judicial Magistrate First Class, Anini, in G.R. Case No. 31/2021, is hereby, dismissed on being found to be devoid of merit.

8. Resultantly, the interim order passed on 22.06.2023, staying the further proceeding of the G. R. Case No. 31/2021, under Sections 406/407 IPC, pending before the Court of the learned Judicial Magistrate First Class, Anini, is hereby vacated.

JUDGE

Comparing Assistant