GAHC010045862022

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

Crl.Pet./306/2022

LOKNATH SONOWAL
S/O LATE BHULA SONOWAL
R/O 2 NO. KATHALGURI GAON

P.S. BHADOI PANCHALI
P.O. TIPLING
DIST. DIBRUGARH
ASSAM
PIN-784033.

VERSUS

AJOY PODDAR
S/O SRI BISWANATH PODDAR R/O JYOTI NAGAR
P.O.
P.S. AND DIST. DIBRUGARH
ASSAM
PIN-786001

Advocate for : MR. P J SAIKIA
Advocate for : MR. P BORA appearing for AJOY PODDAR

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

Judgment and Order (CAV)

Date : 01-09-2023

This Criminal Petition is filed by the petitioner assailing the order dated 03.03.2021 passed by the Additional Chief Judicial Magistrate (CJM in short), Dibrugarh dismissing the Petition No.104/2020 in NI Case No.15^{C}/ 2014 as well as the order dated 29.11.2021 passed by the Sessions Judge, Dibrugarh in Criminal Revision Case No.07(1)/2021 dismissing the Crl. Revision Petition filed by the present petitioner and upholding the order dated 03.03.2021 passed by the Court of Additional CJM, Dibrugarh.

2. The petitioner is a resident of No.2 Kathalguri Gaon under jurisdiction of Duliajan Police Station in the district of Dibrugarh. The petitioner is a contractor by profession who undertakes contractual works in the Raiwlays, P.W.D, OIL etc. The opposite party in the present petition filed a complaint petition under Section 138 of Negotiable Instruments Act (N.I. Act in short) before the Court of CJM, Dibrugarh on 06.02.2014. In the said petition it was alleged that the present petitioner had approached the opposite party/complainant for supply of materials to carry out a project of M/S.M.M. Enterprise in connection with the construction of Pachighat for Boginadi Railway Station main building to the tune of Rs.15,00,000/- (Rupees Fifteen Lakhs only). An agreement dated 03.02.2013 was also executed by and between the present petitioner and the opposite party to the effect that the net profit after deduction of all expenses was agreed

between them to be in the ratio of 60:40 per cent. It is stated that against the total outstanding dues of Rs.18,80,000/- (Rupees Eighteen Lakhs Eighty Thousand only), the petitioner made a part payment of Rs.4,00,000/- (Rupees Four Lakhs only) in cash and there was an outstanding balance of Rs.14,80,000/- (Rupees Fourteen Lakhs Eighty Thousand only). Thereafter, another agreement was entered by and between the petitioner and the opposite party which was executed on 27.05.2013. The petitioner sought for further support of building materials worth of Rs.12,00,000/- (Rupees Twelve Lakhs only) from the opposite party and admitted his liability to the tune of Rs.29,00,000/- (Rupees Twenty Nine Lakhs only) but when the opposite party deposited the cheques issued by the petitioner in the account of the opposite party, they were dishonoured for the reason "exceeds arrangement". Being aggrieved, the opposite party filed the complaint petition which was registered and numbered as NI Case No.15^{C}/2014.

3. The petitioner upon receipt of summons appeared before the Competent Court and the evidence of the complainant / opposite party was closed on 29.06.2016 and the case was posted for statement of the defence. On 24.05.2017 the statement of the accused/ petitioner was recorded under Section 313 Cr.P.C. wherein the petitioner stated that he wished to adduce evidence on his behalf and the case was posted for defense witness on 06.07.2017. The petitioner was examined-in-chief and his cross-examination was reserved on 29.08.2017. During the course of the proceedings the petitioner filed a petition being Petition No.726/2018 dated 13.03.2018 before the Court of Additional CJM, Dibrugarh, praying for permitting the petitioner to adduce the evidence of one Nizamuddin Ahmed, who is the engineer of Department N.F. Railway Department. The Court fixed the matter for objection and hearing of the

petition on 27.03.2018. The opposite party/ complainant filed their objection on 27.03.2018 and after hearing both the parties vide order dated 11.04.2018 the petitioner was permitted to adduce the evidence of the said Nizamuddin Ahmed as a defence witness and directed the petitioner to take steps upon the said Nizamuddin Ahmed for his appearance to adduce evidence. The petitioner took steps for the summons on the said Nizamuddin Ahmed on 14.06.2018, 22.06.2018 and 23.08.2018 but the summons issued to the said Nizamuddin Ahmed was sent to Dhubri instead of Dhemaji and there was no record of the notice being served.

4. The petitioner was partly cross-examined on 02.07.2019 and on 29.11.2019 the Court of Additional CJM, Dibrugarh was pleased to close the defense witness and fixed the matter on 09.01.2020 for arguments. The petitioner thereafter filed a petition under Section 254 of the Cr.P.C. which was numbered as Petition No.104/2020 dated 09.01.2020 praying for permitting the petitioner to adduce the evidence of Nizamuddin Ahmed as defence witness and further to allow the petitioner to take steps for summoning the said defence witness. However, the Court of Additional CJM, Dibrugarh vide the impugned order dated 03.03.2021 rejected the said petition and fixed the matter for argument on 19.03.2021. Being aggrieved, the petitioner preferred a criminal revision petition being Crl.Rev.Pet. No.07 (1)/21 before the Court of Sessions Judge, Dibrugarh and the said Crl.Rev.Pet. No.07 (1)/21 was dismissed by the Court of Sessions Judge, Dibrugarh by impugned order dated 29.11.2021 and upheld the order dated 03.03.2021 passed by the Court of Additional CJM, Dibrugarh in NI Case No.15^{C}/2014.

5. Being aggrieved, the present criminal petition has been filed by the petitioner on the following grounds:

“[A] For that the learned Session Judge, Dibrugarh has committed gross illegality while passing the impugned Order dated 29.11.2021 upholding the Order dated 03.03.2021 passed by the learned Additional Chief Judicial Magistrate, Dibrugarh. Therefore, the impugned Order dated 29.11.2021 is liable to be set aside.

[B] For that while dealing with application for issuing summons to any witness by the prosecution or the accused the learned Trial Court failed to exercise the jurisdiction vested in it under Section 254 (2) of the Code of Criminal Procedure and vide. Order dated 03.03.2021 rejected the Petition No.105 dated 09.01.2021 on the ground that the petition for adducing the evidence of said Nizamuddin Ahmed being filed at a later stage and the learned Revisional Court also failed to consider this vital aspect of the matter and passed the impugned Order dated 29.11.2021 upholding the Order dated 03.03.2021 and such the same is liable to be set aside.

[C] For that Section 254 (2) of the Code of Criminal Procedure provides that either the prosecution or the accused may adduce their evidence and for that a petition has to be filed with a prayer for issuing summons to any witness to adduce or to produce any documents. But without considering the aforesaid provision the \earned Trail Court rejected the Petition No.105 dated 09.01.2021 vide. Order dated 03.03.2021 which is nothing but an abuse of the process of the Court. Therefore, for the ends of justice the same is liable to be set aside.

[D] For that the Petitioner in the Petition No.105/2020 dated 09.01.2020 had clearly stated the importance of adducing the evidence of said Nizamuddin Ahmed as Defense Witness for proper adjudication of the Case but the learned Trial Court only going through the sequence of dates had dismissed the said Petition. The learned lower Revisional Court without considering this aspect of the matter passed the Order dated 29.11.2021 and therefore for the ends of justice the same is liable to be set aside.

[E] For that it is a settled proposition of law that defense is to be given reasonable opportunity to adduce rebuttal evidence. But without considering this aspect of the matter the learned Trail Court passed the Order dated 03.03.2021 rejecting the Petition No.105 dated 09.01.2021 and upholding the said Order the learned Revisional Court below passed the Order dated 29.11.2021 as such the same is liable to be set aside for the ends of justice.

[F] For that the learned Trial Court failed to appreciate the fact that the vide Order dated 11.04.2018 the Petitioner was allowed to adduce the evidence of said Nizamuddin Ahmed as defense witness after considering the necessity of the evidence of the said witness and also upon consideration of the objection of the complainant/Opposite Party. But without considering this aspect of the matter the learned Revisional Court passed the Order dated 29.11.2021 and therefore for the ends of justice the same is liable to be set aside.

> [G] For that there is no material on the face of the record to show that the Petitioner has deliberately tried to delay the proceeding of the case. Therefore for the ends of justice the Petitioner may be allowed to adduce the evidence of said Sri Nizamuddin Ahmed as Defense Witness for which the Petitioner is ready to compensate on such other terms as may be deem appropriate by this Hon'ble Court.
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> [H] For that the learned Courts below acted in total non-application of mind and passed the Order dated 03.03.2021 as well as the Order dated 29.11.2021 mechanically without considering the materials available on records in its true perspective. Therefore, the Order dated 03.03.2021 as well as the Order dated 29.11.2021 are nothing but abuse of the process of the Court, as such the same are liable to be set aside for the ends of justice.
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> [I] For that in view of the matter the Order dated 29.11.2021 passed by the learned Sessions Judge, Dibrugarh upholding the Order dated 03.03.2021 passed by the learned Additional Chief Judicial Magistrate, Dibrugarh is liable to be set aside."

6. This Court by order dated 04.04.2022 while issuing notice to the respondents, called for the legible scanned copy of the LCR from the Courts below and till the returnable date, stayed the proceeding pertaining to the NI Case No.15^{C}/2014. The said interim order was extended from time to time.

7. The scanned copy of the LCR, as called for, has been received and this Court has perused the same.

8. Mr. P.J. Saikia, learned Senior Counsel assisted by Mr. K.J. Saikia, learned counsel for the petitioner has urged before this Court that the impugned order dated 03.03.2021 passed by the Court of Additional CJM, Dibrugarh rejecting the prayer for adducing evidence of the said Nizauddin Ahmed is required to be interfered with inasmuch as, the said order was passed without due consideration of the attending facts and circumstances which necessitated the prayer of the petitioner for examination of the said Nizamuddin Ahmed as a witness. Learned counsel for the petitioner submits that NI proceedings which was initiated by the opposite party is not based on correct evidence and materials. Learned Senior Counsel for the petitioner referring to the agreement

dated 03.02.2013 has submitted that there is a proper agreement in place between the petitioner and the opposite party/complainant that after execution of the contract the profit is to be shared as per the ratio mentioned in the agreement i.e. 60:40 per cent. It is the submission of the learned Senior Counsel for the petitioner that as per the agreement the profit will be released only after final calculation of the bills relating to the works but as on date, the entire payment invested by the petitioner has not been released by the Railway Authorities. It is in this context that the petitioner wanted to adduce the evidence of one Nizamuddin Ahmed, who was sought to be examined as defence witness in support of the case of the petitioner. Learned Senior Counsel for the petitioner submits that the impugned order dated 03.03.2021 passed by the Court of Additional CJM, Dibrugarh is liable to be interfered with and may be stayed as the said order is contrary to the provisions of Cr.P.C in respect of examination of witnesses. The learned Senior Counsel submits that the relevancy of the witness is not an issue to be decided by the Court on an application/ petition preferred by the petitioner seeking examination of any witness in support of the defence case. It is further submitted that there is no delay or lacuna attributable to the petitioner, inasmuch as, the steps taken for service of summons on the said witness Nizamuddin Ahmed had been sent to Dhubri instead of Dhemaji and for which the petitioner is not at all responsible. The delay that had occurred in summoning the witness was because of non-service of summons by the process server in the correct address. Learned Senior Counsel for the petitioner submits that the examination of the evidence witness, namely, Nizamuddin Ahmed is essential in order to establish the claim of the petitioner that there was no legally enforceable debt of the complainant in respect of the claims made against the petitioner. The claim of the opposite

party, if any, will arise only after completion of the entire contract work. Under such circumstances, the impugned order dated 03.03.2021 passed by the Court of Additional CJM may be set aside. The learned Senior counsel for the petitioner further submits that the order dated 29.11.2021 passed by the Court of Sessions Judge, Dibrugarh having upheld the order dated 03.03.2021 passed by the Court of Additional CJM, Dibrugarh also needs to be interfered with and set aside, as it fails to address the issues correctly and consequently had upheld the findings of the Court of Additional CJM, Dibrugarh. It is further submitted by the learned Senior Counsel for the petitioner that the prayer of the petitioner before the concerned court was for adducing evidence. While considering the said application, the competent Court was not required to reject the prayer of the petitioner only because sufficient time and opportunities were granted to the petitioner to adduce evidence of such witness. It is submitted that the delay that had occurred in adducing the evidence of the said witness are not attributable to the petitioner, rather, the prayer of the petitioner for examination of Nizamudin Ahmed as witness ought to have been allowed instead of rejecting the prayer. It is submitted by the learned Senior Counsel for the petitioner that the competent Trial Court has ample power to call for examination of any person in order to arrive at a just decision. The prayer for examination of Sri Nizamudin Ahmed, who was a defence witness, ought to have been allowed by the Trial Court. Learned Senior Counsel for the petitioner has relied upon the judgment of the Apex Court rendered in *Natasha Singh vs. CBI (State)* reported in 2013 Crl.L.J. 3346. He further relies upon *Krishan Kumar vs. State (GNCT) of Delhi* reported AIR Online 2022 Del 184 and *Levaku Pedda Reddamma and Ors. vs. Gottumukkala Venkata Subbamma and Anr* reported in AIR Online 2022 SC 244 and *Sugandhi (Dead) By Lrs. And Anr. Vs. P. Rajkumar Rep by his Power*

Agent Imam Oli AIR 2020 SC 5486 in support of his contentions.

9. Mr. P. Bora, learned Senior Counsel assisted by Ms. K. Bhattacharyya, learned counsel for the respondent/opposite party strongly dispute the contentions raised by the learned Senior Counsel for the petitioner. Learned Senior Counsel for the opposite party submits that the trial Court has rightly rejected the prayer of the petitioner as there is no merit in the petition filed by the petitioner praying for examination of one Nizamuddin Ahmed as a defence witness. Learned Senior Counsel for the opposite party vehemently argues that this is nothing but a dilatory tactic adopted by the petitioner in order to frustrate the claim made by the opposite party by its complaint petition in NI Case No.15^{C}/2014 filed under Section 148 of the NI Act. Learned Senior Counsel for the opposite party submits that in the impugned order dated 03.03.2021 the Additional CJM had examined the prayer made by the petitioner and has given elaborate the reasons as to why the prayer made by the petitioner was rejected. In that view of the matter, the impugned order dated 03.03.2021 passed in NI Case No.15^{C}/2014 by the Additional CJM, Dibrugarh has been rightly upheld by the Sessions Judge, Dibrugarh vide order dated 29.11.2021 passed by the Court of Sessions Judge, Dibrugarh in Crl.Rev. Case No.07(1)/2021.

10. Learned Senior Counsel for the opposite party submits that mere filing of an application before the competent Court seeking examination of a witness cannot be regarded as a mere formality by the Court to allow such application. The competent Court is required to consider the grounds and reasons as to why the examination of the witness sought for. That having been rightly done by the competent Court, there is no infirmity in the order dated 03.03.2021 passed by the Court of Additional CJM rejecting the petition filed by

the petitioner and which was also upheld by the Court of Sessions Judge, Dibrugarh in its order dated 29.11.2021. Learned Senior Counsel for the petitioner refers to the order dated 19.05.2022 passed by the Apex Court in SUO MOTU (Criminal) No. 2 of 2020 regarding expeditious trial of cases under Section 138 of NI Act, 1881 and submits that matters arising or relating to NI Act should be expeditiously disposed of without delay.

11. Learned counsels for the parties have been heard and the pleadings on record as well as the scanned copy of the LCR, as called for, has been carefully perused.

12. The order passed by the Court of Additional CJM, Dibrugarh as well as the Court of Sessions Judge, Dibrugarh have been carefully perused. The judgments cited at the Bar by both the counsels have also been carefully noted.

13. Section 311 of the Cr.P.C empowers any Court to summon material witness, or examine any person at any stage of any inquiry, trial or other proceeding under this Code Summon any person as a witness or examine any person in attendance, though not summoned as a witness or recall or re-examine any person already examined, the Court shall summon and examine or recall and re-examine any such person if his evidence appears to it to be essential to the just decision of the case. The trial Court in its order dated 03.03.2021 has elaborately discussed the reasons as to why the prayer of the petitioner has been rejected. The relevant portion of the order is extracted below:

"Record shows that the evidence of the complainant was closed on 29.06.2016 and the case was posted for statement defence. On 24.05.2017 the statement of the accused was recorded under Section 313 Cr.P.C. wherein he stated that he wishes to adduce evidence on his behalf. Accordingly, the case was posted for defence evidence on 06.07.2017. Subsequently, on 29.08.2017 the accused (DW-1) was examined in chief and his cross-

examination was reserved On 03.03.2018 the accused for the first time filed a petition vide no.716/2018 praying for allowing him to adduce the evidence of one more witness. Against the said petition, the complainant filed written objection and after hearing both sides my learned predecessor vide order dated 11.04.2018 allowed the prayer of the accused by observing that vide order dated 06.11.2017 the accused had already been directed to appear along with his witness on the next date and hence, this Court lacked the jurisdiction to review its own order. After receiving the permission of the Court, the accused took steps for summoning the defence witness. Vide order dated 04.10.2018 defence was given a last opportunity to produce the witness. However, on 28.01.2019 the accused was again directed to adduce evidence on the next date. Eventually on 02.07.2019 DW-1 was partly cross-examined and on 29.11.2019 his cross examination was completed. After hearing both sides evidence on behalf of the accused was closed and the case was posted for argument on 09.01.2020. Thereafter, on 09.01.2020 the accused filed the instant petition vide No.104/2020 with a prayer for allowing him to adduce the evidence of another witness.

I have gone through the provision contained in Section 254 of the Cr.P.C. under which the petitioner under consideration has been filed A reading of the said section shows that if the accused is not convicted under Section 252 Cr.P.C or Section 253 CrP.C., the Court shall take all the evidence produced by the prosecution in support of it's case and then her the accused and take all the evidence produced in his defence. Clause-2 of Section 254 Cr.P.C. provides that the accused may file an application with a prayer for issuing summons to any witness directing him to adduce or to produce any document or other thing and the Court, if it deems fit, has the discretion to allow the application of the accused.

Now, if we look at the sequence of events in the trial of the present case, it is found that the accused has already availed the opportunity afforded by Section 254(2) of the Cr.P.C., when he filed the very first petition vide no.716/2018 on 13.03.2018 praying for allowing him to adduce the evidence of one more witness. It is pertaining to note that although this Court allowed the said prayer of the accused vide order dated 11.04.2018, the accused did not display the due diligence in doing the needful to summon the concerned witness in as much as admittedly steps were taken only on three dates viz. 14.06.2018, 22.06.2018 and 23.08.2018 and thereafter, the accused kept sitting on the matter. On 04.10.2018 though the accused was given the last opportunity to produce the witness, no step was taken by the accused to summon the witness till 29.11.2019. Finally, on 29.11.2019 defence evidence was closed after hearing both sides. Evidently, the accused did not feel the necessity to file the instant petition before the closure of defence witness on 29.11.2019. It is not forthcoming as to what prevented the accused from filing the petition before the closure of defence evidence.

Considering the sequence of events and the overall conduct of the accused throughout, I am of the opinion that the accused has not displayed the requisite sincerity in summoning the concerned witness despite sufficient time and opportunities granted to him and now when the instant case has reached the stage of argument, he has come up with the instant petition. Allowing the petition would adversely affect the progress of the trial of the instant case which is an old pending case of 2014. Furthermore, I have

perused the evidence adduced by the accused, his statement recorded under Section 313 of the Cr.P.C. as well as the cross-examination of the complainant and I find that the accused has failed to establish in what manner the evidence of the witness sought to be summoned as a defence witness is relevant for a fair adjudication of the controversy between the parties. The petition also does not throw any light on the said aspect."

14. On perusal of the order dated 03.03.2021 it is revealed that after hearing both sides, the prayer of the petitioner/accused was allowed by the Trial Court on 14.04.2018 but the petitioner/accused person did not display due diligence in doing the needful to summon the concerned witness as the steps were taken only on 14.06.2018, 22.06.2018 and 23.08.2018. Last opportunity to produce the witness was given on 04.10.2018 but from the record it is seen that no steps were taken by the accused petitioner to summon the witness till 29.11.2019. The defence evidence was closed on 29.11.2019. The petition filed by the petitioner for examination of witness was filed only after closure of the evidence on 29.11.2019. The Trial Court has also made an observation that matter was pending since 2014**.**

15. On a pointed query by this Court to the learned Senior Counsel for the petitioner regarding the nature of the evidence sought to be adduced before this Court by the petitioner, it was submitted that the witness sought to be called for will produce a copy of the contract agreement between the petitioner and the employer. Learned Senior Counsel for the petitioner has not been able to *prima facie* satisfy this Court that the contract executed by and between the petitioner and his employer in respect on his commitments towards the opposite party will have a relevant bearing in the case in support of his contention that the complainant/respondent does not have any 'legally enforceable debt'. It is not in dispute in that in the contract referred to by the petitioner and entered into by and between the petitioner and the NF Railways, the

respondent/complainant is not a party as regards 'the illegal forcefully debt' payable against the petitioner.

16. In ***Natasha Singh*** (supra), the Apex Court while examining the powers of a Court to summon material witness under the provision of Section 311 CrP.C. held that the Court is competent to exercise such power even *suo motu* if no such application is filed by either of the parties. However, the Court must satisfy itself that it was in fact essential to examine such a witness, or to recall him for further examination in order to arrive at a just decision of the case. The Apex Court held that an application under Section 311 of the Cr.P.C. must not be allowed only to fill up a lacuna in the case of the prosecution or of the defence or to because to create disadvantage to the opposite party The additional evidence must not be received as a disguise for retrial, or to change the nature of the case against either of the parties.

17. In ***Levaku Pedda Reddamma*** (supra) and ***Sugandhi (Dead)*** (supra), the Apex Court had examined the provisions of Order VIII Rule 1A (3) of the C.P.C on the basis of which the appellant therein filed an application for furnishing additional documents.

18. There is no quarrel with the proposition laid down by the Apex Court which are relied upon by the petitioner. Section 311 Cr.P.C. itself empowers the Court to call for examination of any witness if it appears to be essential to arrive at a just decision in any case. The Court of Additional CJM has elaborately discussed and given reasons as to why the prayer of the petitioner ought not to be allowed. The Trial Court has also recorded the finding that the petitioner could not satisfy the Court regarding the reasons for calling the witness and as to whether the evidence that may be adduced by the said witness would be necessary for arriving at a just decision of the case. The

petitioner before the Trial Court or before this Court has not been able to satisfy the Court the purpose for examination of the evidence as a defence witness in respect of any legally enforceable claim stated to be payable by the petitioner to the opposite party. Perusal of the complaint petition as well as the agreement entered into between the petitioner and the opposite party do not reveal that such a claim is conditioned on some contingent act to be performed by the employer under whom the present petitioner is executing a contract. The witness proposed to be examined, namely, Nizzamuddin Ahmed is admittedly an employee under the NF Rly and is not a signatory to the agreement executed by and between the petitioner and opposite party.

19. Under such circumstances, the petitioner has failed to satisfy the Court that the evidence of the witness proposed to be examined in connection with the claim made by the complainant/opposite party. Further, no explanation has been forwarded by the petitioner in respect of the delay that had occurred in taking steps on the proposed witness as has been reflected in the order dated 03.03.2021 passed by the Court of Additional CJM, Dibrugarh. In Suo Motu Writ (Criminal) No. 2/2020, the Apex Court by order dated 19.05.2022 had laid down the guidelines on the basis of a pilot study conducted by the *amicus curiae* appointed by the Apex Court in respect of conduct of trials on complaints filed under Section 138 of the NI Act. The Apex Court had laid down the guidelines for expeditious disposal of complaints registered under the NI Act. Although, the said guidelines were in respect of 5 High Courts mentioned in the said order, these guidelines dated 19.05.2022 would be equally applicable in respect of all the High Courts for early disposal of the complaints filed under the NI Act. In the present proceeding the complainant was initially lodged in the year 2014-15. This Court while issuing Notice had stayed the proceeding by order dated

25.03.2022 and thereafter, the interim order was extended from time to time.

20. In view of all of the above, this Court is of the view that the order dated 03.03.2021 passed by Additional CJM, Dibrugarh in NI Case No. 15^{C}/2014 rejecting the petition no.105/2020 by which the prayer for examination of the witness sought to be summoned by the petitioner does not call for any interference. For the same reason the order dated 29.11.2021 passed by the Sessions Judge, Dibrugarh in Crl.Rev.P. No.07(1)/2021 upholding the order dated 03.03.2021 passed by Additional CJM also does not require any interference.

21. Accordingly, this Court does not find any infirmity in the conclusions arrived at by the Court of Additional CJM, Dibrugarh vide its order dated 03.03.2021 passed in NI Case No. 15^{C}/2014, as well as the order dated 29.11.2021 passed by the Court of Sessions Judge, Dibrugarh in Crl.Rev.P. No.07(1)/2021. Accordingly, there is no merit in the criminal petition and the same therefore stands dismissed. No order as to cost.

JUDGE

Comparing Assistant