



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

Case No. : Crl. Pet./24/2022

AJAY RAJA @ ROMIYAN KARUNANITHI
AGED ABOUT 56 YEARS,
S/O LATE SUBAIYA ROMIYAN,
R/O KHARGHULI, P.O - UZANBAZAR,
P.S - LATASHILL, GUWAHATI - 781004,
DISTRICT - KAMRUP(M), ASSAM

VERSUS

THE STATE OF NAGALAND AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR,
NAGALAND 2:LUNJAGIN SINGSON

S/O KHUPKHOLUN SINGSON

R/O 920
KUDA - B VILLAGE
NEAR PILGRM SCHOOL
BYE LANE NO.10
DAMAPURSADAR
DIMAPUR
NAGALAN

Advocate for the Petitioner : D GOGOI

Advocate for the Respondent : GOVT ADV NL

Linked Case : I.A.(Crl.)/5/2023

AJAY RAJA @ ROMIYAN KARUNANIYHI
S/O LATE SUBAIYA ROMIYAN
R/O KHARGULI
P.O.-UZANBAZAR
P.S. LATASIL
GUWAHATI-783380
KAMRUP(M) ASSAM

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KOHIMA NAGALAND

2:LUNJAGIN SINGSON
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NEAR PILGRIM SCHOOL
BYE LANE NO 10
DAMAPURSADAR
DIMAPUR
NAGALAND

Advocate for : D GOGOI

Advocate for : P.P

NAGALAND appearing for THE STATE OF NAGALAND AND ANR

BEFORE
HON'BLE MR. JUSTICE KAKHETO SEMA

ORDER

Date : 19-06-2023

Heard Mr. D. Gogoi, learned counsel for the petitioner and Mr. V. Zhimomi, learned P.P appearing for the State respondents.

This application has been filed under section 482 of the Cr. P.C, 1973 for recalling the order dated 08.06.2023 passed by this Court in Criminal Petition No. 24/2022 (vacating the interim order dated 27.10.2022) and to stay the proceeding arising out of G.R Case No. 416/2022 pending before the Court of the learned CJM, Dimapur, Nagaland, by restoring the order dated 27.10.2022,

passed in the connected criminal petition.

The order dated 08.06.2023 passed by this Court vacating the interim order dated 27.10.2022 is reproduced as under;

“Heard Mr. P. Pfortee, the learned counsel for the petitioner and Mr. V. Zhimomi, the learned Public Prosecutor appearing on behalf of the respondent No.1.

2. The instant petition has been filed for quashing the GR Case No.416/2022 pending before the Chief Judicial Magistrate, Dimapur registered under Sections 406/420 of the IPC.

3. The entire edifice of the case of the petitioner is that the petitioner along with the respondent No.2 have amicably compromised the matter, and as such, the said proceedings is required to be quashed.

4. It further appears from the materials on record that on 27.10.2022, this Court stayed the further proceedings of GR Case no.416/2022 pending before the Chief Judicial Magistrate, Dimapur until further order.

5. It surprises this Court that till date, the petitioner has not been able to effect service upon the respondent No.2 in spite of the fact that the entire genesis of the present case is based upon the amicable compromise of the matter between the petitioner and the respondent No.2.

6. Considering the above, this Court does not find any justifiable reason for further continuing the interim order dated 27.10.2022 and accordingly stands vacated.

7. List the matter on 19.06.2023.

8. The case record so received is returned to the Court below for proceeding with the matter in accordance with law.”

In this connection, it may be relevant to refer to the different orders passed by this Court more particularly, the order passed on 16.03.2023, 03.04.2023 and 23.05.2023. By the order dated 16.03.2023, the notice upon the respondent No. 2 was directed to be served through the Officer-in-Charge,

East Police Station, Dimapur and the said Officer-in-Charge was directed to file an affidavit to that effect. Thereafter, again by the order dated 03.04.2023, the Registry was directed to serve a copy of the order dated 16.03.2023 along with the order dated 03.04.2023 to the Officer-in-Charge, East Police Station, Dimapur for effecting the service of notice upon the respondent No. 2 and to file an affidavit to that effect. In the order dated 03.04.2023, the learned P.P. was also directed to take steps with the Officer-in-Charge, East Police Station, Dimapur, Nagaland, for carrying out the order passed by this Court. Thereafter, again by the order dated 23.05.2023, this Court had directed the Registry to issue reminder to the Officer-in-Charge, East Police Station, Dimapur to comply with the order dated 03.04.2023. The Registry was also directed to communicate the order passed by this Court to the Officer-in-Charge, East Police Station, Dimapur, Nagaland, for compliance.

Mr. V. Zhimomi, the learned P.P. submits that though the notice has been served on the respondent No.2, through the Officer-in-Charge, East Police Station, the affidavit prepared by the Officer-in-Charge, East Police Station stating service of notice on the respondent No.2 has been misplaced and due to which the same could not be filed.

Mr. V. Zhimomi, the learned P.P. however submits that he shall personally take steps for service of notice upon the respondent No.2 through the Officer-in-Charge, East Police Station within 7(seven) days from today and shall file an affidavit to that effect. It is also directed that the learned counsel for the petitioner shall take steps for service of notice upon the respondent No.2 through dasti process within a period of 7(seven) days from today and to file affidavit to that effect.

On perusal of the orders passed by this Court on 16.03.2023, 03.04.2023 and 23.05.2023, this Court, in the interest of justice is inclined to recall the order dated 08.06.2023 passed by this Court in the connected criminal petition. The order dated 08.06.2023 accordingly stands recalled. The order dated 27.10.2022 passed by this Court in the connected criminal petition is restored and accordingly further proceeding pending before the learned CJM, Dimapur, in G.R Case No. 416/2022 shall remain suspended.

List the Criminal Petition No. 24/2022 on **28.07.2023**.

Call for the LCR.

I.A.(Crl.) stands disposed.

A copy of this order shall be furnished to the learned P.P. in the course of the day.

Sd/-

JUDGE

Comparing Assistant