

GAHC040011922024



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

Case No. : Crl.Petn./137/2024

Sarvesh Rai
partner in global Business Industries having its registered address at FB7, 383,
Rajdanga Main Road, Near GST Bhawan, West Bengal, India 700107

VERSUS

The State of AP and Anr
through its Public Prosecutor, Arunachal Pradesh. 2:Tage Tallu
Age: 0
Occupation :
Son of Shri Tage Tade
resident of F sector
Naharlagun
Papumpare District
Arunachal Pradesh 79111

Advocate for the Petitioner : Jyoti Zongluju,

Advocate for the Respondent : P P of AP,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

10.09.2024

Heard Ms. Jyoti Zongluju, learned counsel for the petitioner and Mr. J. Tsering, learned Public Prosecutor, Arunachal Pradesh.

This application has been filed by the petitioner, namely, Shri Sarvesh Rai, under section 439 CrPC and 483 of the BNSS, 2023 read with section 482 CrPC and 528 of the BNSS, 2023 seeking modification of the order dated 04.07.2024 passed by the learned Sessions Judge, Yupia, Papumpare in BA No. 209/2024 arising out of FIR No. 39 dated 05.04.2024 registered under sections 407/420 of the Indian Penal Code at Naharlagun Police Station, Naharlagun, Papumpare, Arunachal Pradesh.

The petitioner filed an application before the learned Sessions Judge, Yupia praying for modification of the order aforesaid. But the said application was not considered by the learned Sessions Judge and being aggrieved, the present application has been filed before this Court.

The learned counsel for the petitioner has submitted that the petitioner has already deposited Rs.6,68,944.00 (Rupees Six Lakhs Sixty Eight Thousand Nine Hundred Forty Four) only and the petitioner needs some more time so that he can pay the entire 50% of the total amount, as directed by the learned Sessions Judge.

I have considered the submission made by the learned counsel of both sides. This Court is of the opinion that the petitioner deserves to be given opportunity to pay the entire 50% of the total amount, as directed by the learned trial court. Therefore, the impugned order dated 05.09.2024 passed by the learned Sessions Judge, Yupia in IA No. 292/2024 arising out of BA No. 209/2024 in NLG PS Case No. 39/2024 is set aside.

The petitioner is given 6 (six) months' time to pay the entire 50% of the total amount, as directed by the learned Sessions Judge, Yupia. Thereafter, the trial court shall consider the further prayers of the petitioner.

The petitioner is allowed to remain on previous bail as granted earlier by the learned Sessions Judge, Yupia on 04.07.2024.

With the above, the criminal petition is disposed of.

JUDGE

Comparing Assistant