

GAHC010006262011



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

Case No. : Crl.Rev.P./210/2011

HARENDRA NATH BORAH
S/O LT. PHANIDHAR BORA R/O 2 NO. DHAMANGAON, P.O. DHAMAN, P.S.
TINGKHONG, DIST. DIBRUGARH, ASSAM.

VERSUS

THE STATE OF ASSAM

Advocate for the Petitioner : MRS M ABDULLAH P, MR.D SAIKIA,MR.S M MOLLAH
Advocate for the Respondent : , PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

22-08-2024

Heard Mr. D. Saikia, learned counsel for the petitioner and Mr. B. Sarma, learned Additional Public Prosecutor, Assam for the State.

2. The learned Assistant Sessions Judge, Dibrugarh by judgment and order dated 17.03.2010, passed in Sessions Case No. 02/2006 arising out of Tingkhong P.S. Case No. 154/2004 convicted the petitioner under Section 376(f) IPC and sentenced him to undergo Rigorous Imprisonment for 3 (three) years with fine of Rs.1,000/-, in default of payment of fine, to undergo R.I. for 6 (six) months.

3. Aggrieved, the petitioner preferred an appeal before the learned Sessions Judge, Dibrugarh being Crl. A. No. 7(2)/2010. The learned Sessions Judge, Dibrugarh after hearing

the learned counsel for the parties by judgment and order dated 07.03.2011 dismissed the said appeal of the petitioner and uphold the order dated 17.03.2010 passed in Sessions Case No. 02/2006 by the learned Assistant Sessions Judge, Dibrugarh.

4. Thereafter, the petitioner filed this criminal revision petition on 07.06.2011 challenging the judgment and order dated 17.03.2010 passed by the learned Assistant Sessions Judge, Dibrugarh in Sessions Case No. 02/2006 as well as the judgment and order dated 07.03.2011 passed by the learned Sessions Judge, Dibrugarh in CrI. A. No. 7(2)/2010 respectively.

5. By order dated 13.06.2011, passed earlier in CrI. Misc. Case No. 416/2011, the Court suspended the impugned sentence imposed upon the petitioner by the learned Assistant Sessions Judge, Dibrugarh by judgment and order dated 17.03.2010, passed in Sessions Case No. 02/2006, till disposal of this criminal revision petition.

6. During the deliberation of the matter, Mr. Saikia, learned counsel submitted that the petitioner in the meanwhile, expired as being informed to him by the family members of the petitioner.

7. It is also seen that at the time of filing of this revision petition, the petitioner was above 63 years in June, 2011.

8. In view of the above, this criminal revision petition stands closed due to abatement.

9. Registry shall return the records of Sessions Case No. 2/2006 to the Court of learned Assistant Sessions Judge, Dibrugarh as well as the records of CrI. A. No. 7(2)/2010 to the Court of learned Sessions Judge, Dibrugarh along with copies of this order.

JUDGE

Comparing Assistant