

GAHC010010462024



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

Case No. : Crl.Pet./87/2024

MANAB JYOTI DAS
S/O LATE BUDDHI RAM DAS
R/O H. NO. 1, KEKORA NAGAR, GS ROAD, DISPUR, GANESHGURI
BEHIND MUKESH HYUNDAI, P.O. AND P.S. DISPUR, GUWAHATI-06, DIST.
KAMRUP (M), ASSAM
MOBILE NO. 9508426233

VERSUS

THE STATE OF ASSAM AND ANR
REP.BY THE PP, ASSAM

2:SMTI. APARAJITA TAMULI
W//O SRI MANAB JYOTI DAS
D/O LATE MOHAN CHANDRA TAMULI
R/O INDRAPUR
P.S. BHANGAARH
GUWAHATI-32
DIST. KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. FIRUZ KHAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

21.06.2024

Heard Mr. F Khan, learned counsel for the petitioner as well as Mr. L Kalita, learned counsel for the respondent no. 2.

This application has been filed under Section 482 of the CrPC in connection with FC (CrI.) No. 380/2022 pending in the court of the learned Principal Judge, Family Court No. II, Kamrup (M), Guwahati.

In FC (CrI) No. 380/2022 aforesaid, the petitioner is involved. He filed an application under section 127 of the CrPC and that application was not received by the trial court. Therefore, a Report was called for from the trial court. Accordingly, the trial court has submitted the report, as sought for.

In the said Report, the trial court reported that the petitions filed under section 127 CrPC are registered as miscellaneous cases and the Principal Judge, Family Court No. I, Kamrup (M), Guwahati only registers the petitions as miscellaneous cases and after registration of the miscellaneous cases, the applications are sent to the other Family Courts.

Considering the aforesaid facts and after hearing the learned counsel for both sides, the petition is allowed.

The petitioner shall file a petition under Section 127 CrPC in the Family Court No. I, Kamrup (M), Guwahati and after registration of the miscellaneous cases, the same shall be transferred to the court of the Principal Judge, Family Court No. II, Kamrup (M), Guwahati.

With the above direction and observation, the criminal petition is disposed of.

JUDGE

Comparing Assistant