

GAHC010012482024



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

Case No. : Crl.Pet./61/2024

MANJEET BARMAN AND ANR
S/O SMTI. TULI BARMAN
AADHAAR NUMBER 809474573748
PHONE NO. 7002080048
R/O CHANDMAR COLONY NIZARAPAR
NEAR ROHINI APARTMENT,
P.S. CHANDMARI, GUWAHATI, PIN-781003, ASSAM

2: SMTI. TULI BARMAN

W/O MADHAB BARMAN
AADHAAR NUMBER- 526886366782
PHONE NO. 9678710244
R/O CHANDMAR COLONY NIZARAPAR
NEAR ROHINI APARTMENT

P.S. CHANDMARI
GUWAHATI
PIN-781003
ASSA

VERSUS

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

2:DR TRISHNA MANI THAKURIA
W/O SRI UTPAL BHUYAN
R/O PUBERUN APARTMENT
AJANTA PATH
BYE LANE 3
BELTOLA

SURVEY

P.S. BASISTHA
GUWAHATI-781028
ASSA

Advocate for the Petitioner : MR. R B PHOOKAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

23.01.2024

Heard Mr. R.B. Phookan, learned counsel for the petitioners and Mr. P. Borthakur, learned Addl. P.P, Assam for the State respondents.

This is an application under Section 482 Cr.PC seeking quashing of proceedings in PRC No: 2183 of 2021 arising out of Chandmari P.S Case No. 279/2021 under Section 294/323/34 of IPC.

Mr. R.B. Phookan, by placing the SOP dated 21.10.2022 submitted that the Government of Assam has formulated Standard Operating Procedure (SOP) for withdrawal of petty/minor criminal cases pending in Subordinate Courts throughout the State of Assam.

I have perused the said SOP placed before this Court.

It appears that in terms of the aforesaid SOP, the Public Prosecutor is directed to go for withdrawal of cases by invoking Section 321 Cr.PC, 1973, where punishment is up to 3 years or fine or both under the IPC or any other

Special Act/Regulations registered up to 14.08.2022.

The aforesaid case is registered under Sections 294/323/34 of the IPC, where punishments are less than 3 years.

In view of the said SOP, I am of the opinion that it would be deemed fit and proper to direct the Public Prosecutor to do the needful in terms of the said SOP before the Sub-Divisional Judicial Magistrate (S) No. 1, Kamrup (M), Guwahati at the time of framing charge.

In view of the above, this petition stands allowed and disposed of with the aforesaid direction.

Copy of the said SOP is kept on record.

JUDGE

Comparing Assistant