

GAHC010026832024



2024:GAU-AS:10371

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

Case No. : Crl.L.P./7/2024

ARCHANA DEKA
W/O SRI JYOTISH DEKA,
VILL.- UKHURA, DEKAPAR, P.S.- HAJO, DIST.- KAMRUP, ASSAM.

VERSUS

MADAN DEKA AND 2 ORS.
S/O SRI ANNARAM DEKA,
VILL.- UKHURA, DEKAPAR, P.S.- HAJO, DIST.- KAMRUP, ASSAM.

2:DIGANTA DEKA
S/O SRI THANESHWAR DEKA

VILL.- UKHURA
DEKAPAR
P.S.- HAJO
DIST.- KAMRUP
ASSAM.

3:THE STATE OF ASSAM
REP. BY P.P.
ASSAM

Advocate for the Petitioner : MS B R A SULTANA (LEGAL AID COUNSEL),

Advocate for the Respondent : PP, ASSAM, MR. M RAHMAN(R-1,2),MD S ALI(R-1,2),MR M RAHMAN(R-1,2),MR. M DASGUPTA(R-1,2)

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 23-10-2024

Heard learned Legal Aid Counsel Ms. B.R.A. Sultana for the petitioner/applicant who has filed this application and learned counsel Mr. S. Ali for the respondent Nos. 1 and 2 and learned Additional Public Prosecutor Mr. K. Baishya for the respondent No. 3.

2. The petitioner/applicant has preferred an appeal against the judgment and order of acquittal dated 09.10.2023 passed by the learned Sessions Judge, Amingaon in connection with Criminal Appeal No. 39/2019 setting aside the order of conviction and sentence dated 15.10.2019 passed by the learned Judicial Magistrate First Class, Hajo in GR Case No. 53/2012.

3. It is submitted on behalf of the petitioner/applicant that the respondents have committed the offence of grievous hurt but they were let out easily by the learned Sessions Judge.

4. Learned counsel for the respondent Nos. 1 and 2 has raised objection stating that there is no medical report to prove the fact that the victim has sustained grievous injuries. A reasoned order was passed by the learned Sessions Judge, Amingaon and this order requires no interference.

5. I have considered the submissions at the bar. It appears that an appeal lies against the order of acquittal thereby the criminal leave petition is allowed.

6. Office to register the connected appeal.

7. In terms of the above observation, this Criminal Leave Petition stands

disposed of.

JUDGE

Comparing Assistant