

GAHC010057902024



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

Case No. : Crl.Pet./320/2024

ALI MANOWAR HUSSAIN AND ANR
S/O LATE RAKIBAR RAHMAN, R/O VILL- MURARA, P.O.-RANGIA, P.S.-
RANGIA, DIST-KAMRUP (ASSAM)

2: DR. KHABIRUDDIN AHMED
S/O LATE RAKIBAR RAHMAN
R/O VILL- KACHARI
SOLMARI
P.O. AND P.S.-RANGIA
DIST- KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:ANOWAR HUSSAIN
S/O ASKAR ALI
R/O JYOTINAGAR
P.O.-BAMUNIMAIDAM
P.S.-CHANDMARI
GUWAHATI-781003
DIST- KAMRUP METRO (ASSAM)

3:ALIMUL HUSSAIN
S/O ANOWAR HUSSAIN
R/O VILL- MURARA
RANGIA WARD NO. 3
P.O.-RANGIA
P.S.-RANGIA
DIST- KAMRUP (ASSAM)

Advocate for the Petitioner : MR Z ALAM

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 20.03.2024

Heard Mr. Z. Alam, learned counsel appearing for the Petitioners. I have also heard Mr. D.P. Goswami, the learned Additional P.P. for the State of Assam.

This is an application under Section 482 of the Code of Criminal Procedure praying for quashing the impugned order dated 04.07.2023 passed by the learned Additional Sessions Judge, Rangia, in CrI. Revision No.04/2020. By the impugned order, the Revision Petition was dismissed by the Revisional Court when the Petitioners were found absent on call.

The Court below has taken notice of the fact that on some other dates also, the petitioners were absent without steps.

After hearing both sides, this Court is of the opinion that the Petitioners should be given one opportunity to contest the Revision Petition. Accordingly, the impugned order dated 04.07.2023 is set aside.

The Petitioners are directed to appear before the Court below on 4th of April, 2024. The trial court shall dispose of the Revision Petition on merit after hearing both sides.

The Revision Petition is disposed off accordingly.

JUDGE

Comparing Assistant