

GAHC010059922024



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

Case No. : Crl.Pet./326/2024

JAHANGIR ALOM @ SADULLAH AND ANR
S/O AJIJUR RAHMAN, R/O KOKILA NAYAPARA, P.S.-ABHAYAPURI, DIST-
BONGAIGAON, ASSAM
2: RUHUL AMIN @ RAJU
S/O KADER ALI
R/O KOKILA NAYAPARA
P.S.-ABHAYAPURI
DIST-BONGAIGAON
ASSA
VERSUS
THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM
2:SAJAHAN ALI
S/O LATE SOMEJ UDDIN
R/O VILL- ADITPUR
P.S.-KALGACHIA
DIST-BARPETA
ASSAM
PIN-7

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

21.03.2024

Heard Mr. J Ali, learned counsel for the petitioners as well as Mr. D P Goswami,
learned Additional Public Prosecutor, Assam.

This is an application filed under Section 482 CrPC by the petitioners, namely,

Jahangir Alom @ Sadullah and Ruhul Amin @ Raju, challenging the order dated 25.05.2023 passed by the learned Chief Judicial Magistrate, Barpeta, Assam in PRC Case No. 971/2023 arising out of Kalgachia P.S. Case No. 123/2016.

The petitioners are the accused in a case under section 366A of the Indian Penal Code. After filing of the charge-sheet the court below issued summon to the present petitioners asking them to appear before the court.

The petitioners have submitted that the offence under section 366A of the IPC is a Sessions triable offence and if they appear before the learned Chief Judicial Magistrate, they will be remanded to custody.

Further, the petitioners have submitted that they will face the trial before the Court of Sessions.

After hearing the learned counsel for both the sides, the of the petitioners is allowed.

It is hereby directed that in the event of appearance of the petitioners Jahangir Alom @ Sadullah and Ruhul Amin @ Raju before the learned Chief Judicial Magistrate, Barpeta in connection with the PRC Case No. 971/2023 arising out of Kalgachia P.S. Case No. 123/2016, they shall be released on bail of Rs.20,000/- each with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Barpeta.

With the above direction the present criminal petition is disposed of.

JUDGE

Comparing Assistant