

GAHC010063352024



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

Case No. : Crl.L.P./11/2024

ABBAS ALI
S/O LATE JINAT ALI,
R/O LATANI CHAPORI, P.S.- RUPAHIHAT, DIST.- NAGAON, ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE P.P., ASSAM.

2:JOINUDDIN
S/O LATE AMZAT ALI

R/O LATANI CHAPORI
P.S.- RUPAHIHAT
DIST.- NAGAON
ASSAM.

3:ATOSH ALI
S/O LATE MOIZUDDIN
R/O LATANI CHAPORI
P.S.- RUPAHIHAT
DIST.- NAGAON
ASSAM.

4:SURUJ ALI
S/O LATE MOIZUDDIN
R/O LATANI CHAPORI
P.S.- RUPAHIHAT
DIST.- NAGAON
ASSAM.

5:ALALUDDIN
S/O MOIZUDDIN

R/O LATANI CHAPORI
P.S.- RUPAHIHAT
DIST.- NAGAON
ASSAM

Advocate for the Petitioner : MR. A GANGULY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 24-04-2024

[Manish Choudhury, J.]

Heard Mr. A. Ganguly, learned counsel for the applicant and Ms. B. Bhuyan, learned Senior Counsel & Additional Public Prosecutor for the opposite party no. 1, State of Assam.

2. The instant interlocutory application is preferred under sub-section [3] of Section 378, Code of Criminal Procedure, 1973 [CrPC] seeking leave to file an appeal against a Judgment and Order dated 25.01.2024 passed by the Court of learned Sessions Judge, Nagaon, Assam [‘the trial court’, for short] in Sessions [T-1] Case no. 14/2014, whereby, the learned trial court has acquitted the opposite party nos. 2 – 5, impleaded herein, from the charges under Sections 147/148/342/149/302 of the Indian Penal Code [IPC].

3. The applicant as the appellant, has preferred the connected appeal against the aforementioned Judgment and Order dated 25.01.2024 under Section 378[3], CrPC.

4. Leave under sub-section [3] of Section 378 of the Code can be sought for only in respect of appeals filed either under sub-section [1] or sub-section [2] of Section 378 of the Code.

5. The applicant herein has approached this Court as the informant/victim.

6. The connected appeal does not fall either under sub-section [1] or sub-section [2] of

Section 378 of the Code and as such, the instant interlocutory appeal seeking leave is found not maintainable.

7. Liberty, however, stands reserved to the applicant to avail appropriate remedy.

JUDGE

JUDGE

Comparing Assistant