

GAHC010065972021



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

Case No. : CrL.L.P./9/2021

BHASKAR TALUKDAR

S/O- DR. BIREN TALUKDAR @ DR. BIRENDRA NATH TALUKDAR, R/O-
SANGHATI PATH, KAILASH NAGAR, BELTOLA, P.O. BELTOLA, P.S.
HATIGAON, GUWAHATI-28, ASSAM.

VERSUS

SYED MATIUR RAHMAN

S/O- TAHID ALI, R/O- C/O- SRI MANORANJAN BASUMATARY CHANDAN
NAGAR, KERAKUCHI, P.O. SAOKUCHI, P.S. BASISTHA, DIST.- KAMRUP(M),
GUWAHATI- 34.

Advocate for the Petitioner : MR. P P DUTTA, MRS R KAKATI, MRS S GOSWAMI, MR P
KALITA, MR B S DEKA, MR. A BORUA

Advocate for the Respondent : MR J DAS, LEGAL AID COUNSEL,

Linked Case :

BHASKAR TALUKDAR

VERSUS

SYED MATIUR RAHMAN A

Advocate for : MR. P P DUTTA

Advocate for : appearing for SYED MATIUR RAHMAN A

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 29.08.2024

Heard Mr. P. Kalita, learned counsel for the petitioner, Sri Bhaskar Talukdar, who has
filed this leave petition under Section 378(4) of Cr.P.C. challenging the legality and validity of

the impugned judgment and order dated 30.01.2021, passed by the learned SDJM, No. 1, Kamrup (M), Guwahati in C.R. Case No. 1946^c/2013 under Section 138 of the N.I. Act, 1881 acquitting the accused/ respondent, Sayed Matiur Rahman on the charges under Section 138 of the N.I. Act.

Also Mr. J. Das, learned legal aid counsel for the sole respondent, who has no objection.

It is submitted on behalf of the applicant that the impugned judgment and order dated 30.01.2021 is perverse and the learned trial court has erred in law in acquitting the accused/ respondent. It is also submitted that the learned trial court has misinterpreted the evidence of PW Nos. 1, 2 and 3 as well as the exhibits submitted by the applicant/ complainant. The learned trial court has ignored that the signature of the respondent/ accused is admitted when his statement under Section 313 Cr.P.C. was taken that an amount of Rs. 10,00,000/- was due to the applicant. There is every possibility that this appeal may end in conviction.

I have considered the submission at the bar with circumspection. It appears that appeal lies against the judgment and order. Leave petition is allowed.

Registry is directed to register the appeal and list it accordingly.

With the above observation, the leave petition is disposed of.

JUDGE

Comparing Assistant