

GAHC010080432024



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

Case No. : Crl.Pet./469/2024

DILIP SONOWAL AND 2 ORS
S/O SUKHESWAR SONOWAL
R/O VILL- SUKULIBHORIA, WARD NO. 1, P.S. NORTH LAKHIMPUR, DIST.
LAKHIMPUR.

2: GITA RANI GOGOI
W/O DILIP SONOWAL
R/O VILL- SUKULIBHORIA
WARD NO. 1
P.S. NORTH LAKHIMPUR
DIST. LAKHIMPUR.

3: NAYAN KUNTAL SONOWAL
S/O DILIP SONOWAL
R/O VILL- SUKULIBHORIA
WARD NO. 1
P.S. NORTH LAKHIMPUR
DIST. LAKHIMPUR

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY THE PP, ASSAM

2: BISWAJIT GOGOI
S/O LT. DILIP GOGOI
VILL- LACHIT NAGAR

P.S. JONAI
DIST. DHEMAJI
ASSA

Advocate for the Petitioner : MR. A M BORA

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
O R D E R

22.04.2024

1. Heard Mr. AM Bora, learned Senior counsel assisted by Mr. DK Baidya, learned counsel for the petitioners. Also heard Ms. N Begum, learned Additional Public Prosecutor, Assam.
2. The petitioners are accused in Sessions case No. 78(NL)/2021 and facing trial under Section 302/34 IPC, which is pending before the learned court of District and Sessions Judge, Lakhimpur, North Lakhimpur. It is the case of the petitioners that the PW8 exhibited certain material exhibits, namely, MOP3, MOP4 and MOP5. However, those material exhibits were not served upon the petitioners in terms of Section 207 Cr.P.C. or subsequently and therefore, for fair trial they are entitled for copy of such material exhibits inasmuch as prosecution relied on such material in support of their case.
3. By the order dated 22.03.2024, the learned Sessions Judge without dealing with the contention of the petitioners raised in petition No. 284/2024 dated 22.03.2024 proceeded to record the statement of the accused under Section 313 Cr.P.C. Thus, the contention raised by the petitioner has impliedly been rejected, though no reason has been recorded by the learned trial court. Being aggrieved this present petition is filed.
4. It is well settled that every courts and tribunal must pass a reasoned and speaking order so that the justice delivery system remains meaningful. It is required because the orders may be amenable to revision or appeal before higher authority/ court and order passed without reasoning is not sustainable

inasmuch as such order poses difficulty in further consideration by the appellate/ revisional authority.

5. This court is of the view that the petitioners have raised an issue by filing petition No. 284/2024 as discussed hereinabove and therefore, the learned Sessions Judge is under bounden duty to consider such application and pass a reasoned order either rejecting or accepting such plea of the petitioners. However, the learned Sessions Judge has not dealt with the contention raised in the application filed by the petitioners under Section 207 Cr.P.C. and therefore, this court is of the view that the present petition deserves to be allowed.
6. Accordingly, it is directed that the learned Session Judge shall take up the petition No. 284/2024 and hear the learned counsel for the petitioners as well as the learned Public Prosecutor and pass a reasoned order on the application so filed. While parting with the record, it is made clear that this court has not gone into the merit of the contention raised in the application filed under Section 207 Cr.P.C. and therefore, the observation made in this order shall not be treated as comment on the merit of such application.
7. Criminal petition stands disposed of.

JUDGE

Comparing Assistant