

GAHC010089032024



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

Case No. : Tr.P.(Crl.)/23/2024

BINAY DEOGAM
S/O SURENDRA DEOGAM
PERMANENT RESIDENT OF TEMPLE ROAD, PRAMATH NAGAR,
PARUSUDIH, JAMSEDPUR, HALUDBANI, DIST. EAST SINGHBHUM
STATE- JHARKHAND, PIN-831002

VERSUS

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

2:MS. MRIDUSMITA BAROOAH
D/O MR. RANJIT KUMAR BAROOAH
R/O SUGAM PATH
H/NO. 19
P.O. ZOO ROAD
P.S. GEETANAGAR
DIST. KAMRUP (M)
ASSAM
PIN- 78102

Advocate for the Petitioner : MR. N J DUTTA, MR S A REEYAZ,MR. N K MURRY,J U AHMED

Advocate for the Respondent : PP, ASSAM, MS S BORA(R-2),MR A KAKOTI(R-2)

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

13.08.2024

1. Heard learned counsel Mr. N. J. Dutta for the petitioner; learned counsel Mr. A. Kakoti for respondent No. 2, and Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.
2. This application has been filed by the petitioner under Section 407 read with Section 482 of the Cr.P.C.,1973 praying for transferring PRC Case NO. 87/2019 registered under Section 67 of the I.T. Act/354 (C) of the IPC pending before the learned CJM, Kamrup at Amingaon to the Court of CJM, Kamrup (M) at Guwahati.
3. It is submitted on behalf of the petitioner that the informant had earlier lodged an FIR before the Officer-in-Charge, Geetanagar Police Station, Kamrup (M) on 12.10.2016, that someone had allegedly hacked her G-mail and that she was unable to login, and a false Facebook profile was created. Thereafter, Geetanagar Police Station Case No. 204/2016 was registered and Charge-sheet No. 36/18 dated 07.05.2018 was laid against the petitioner, and GR Case No. 11562/2016 was registered and cognizance was taken against the petitioner under Section 66(C) of the I.T. Act. The GR Case No. was disposed of on 22.06.2023 and the petitioner was acquitted of the charges under Section 66(C) of the I.T. Act. Again the informant lodged an Ejahaar(FIR) which was registered as All women Case No.67/2021 under Section 354(C)/509/500 of the IPC read

with Section 67 of the I.T. Act, and Charge-sheet No. 33/2022 dated 31.05.2022 was submitted in PRC Case No. 2622/2022, and this case was transferred to the Court of the learned Additional Chief Judicial Magistrate for disposal. It is further submitted that on 30.08.2020, the petitioner's laptop, 2 mobile phones and other important articles were stolen from his rented house at Pandu, then an FIR was lodged by the petitioner registered as Jalukbari P. S. Case No. 1026/2020 under Section 380 of the IPC. It is submitted that there were some joint photographs in the 2 mobile phones and laptop taken between the years 2011-2016.

4. It is submitted that both the petitioner and the informant was in a relationship at that point of time, which has been admitted by the informant in her statement under Section 164 of the Cr. PC in All women's P. S. Case No. 67/2021. It is further submitted that the petitioner has filed a transfer petition before this Court being Tr.(P).Crl. Case No. 18/2022, praying for transferring the records of the PRC Case No. 87/2019.

5. It is contended that during the pendency of the Transfer petition being Tr. (P).Crl. Case No. 18/2022, the GR Case No. 11563/2016 was disposed of by the learned Additional Chief Judicial Magistrate and an order of acquittal was passed acquitting the petitioner of the charges leveled against him. Now, the petitioner

has preferred this Transfer petition praying for transfer of the records of PRC Case No. 87/2019 pending in the Court of learned Chief Judicial Magistrate, Amingaon to the Court of learned Chief Judicial Magistrate, Kamrup, (M), Guwahati for disposal.

6. The learned counsel for respondent No. 2 has no objection.

7. As both the parties are in agreement and the respondent No. 2 has no objection, petition is allowed and the PRC Case No. 87/2019 is transferred from the Court of learned Chief Judicial Magistrate, Amingaon to the Court of learned Chief Judicial Magistrate, Kamrup, (M), Guwahati.

8. In terms of the above observation, petition is disposed of.

JUDGE

Comparing Assistant