

GAHC010089422024



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

Case No. : Crl.Rev.P./175/2024

SAHIL HOQUE @ SAHINSHA
S/O LATE SAMSUL HOQUE
VILL- DHEKENABARI, PANIKHAITY
P.S. CHHAYGAON
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
TO BE REP. BY THE LEARNED PP, ASSAM

2:KIRAN RABHA
S/O LATE KESO RABHA
VILL- RATANPUR
P.S. CHHAYGAON

DIST. KAMRUP
ASSAM
PIN-78112

Advocate for the Petitioner : MR A K AHMED, MR. N UDDIN

Advocate for the Respondent : PP, ASSAM, MR J DAS(R-2), P HAZARIKA(R-2), T CHAKMA(R-2), MR. S R RABHA(R-2)

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

18.09.2024

1. Heard learned counsel Mr. N. Uddin for the petitioner Sahil Hoque @ Sahinsha.
2. This application has been filed by the petitioner under Section 401 read with Section 397 of the Cr.PC challenging the impugned order dated 25.04.2024 passed by the Learned Special Judge, POCSO, Kamrup, Amingaon, in connection with POCSO Case No. 58/2019 rejecting the petition No. 563/2023 passed by the learned Trial Court.
3. Heard Ms. S. Jahan, learned Additional Public Prosecutor, Assam for the respondent State.
4. I have considered the submission that the impugned order dated 25.04.2024 reflects that the petitioner has filed a petition under Section 311 of the CR.PC with prayer for issuing summons to the Secretary, Board Of Secondary Education of Assam to verify the registration certificate of the victim which was issued by the Secretary, Board Of Secondary Education, Assam. For proper adjudication of the case and verification of the date of birth mentioned in the registration certificate by the Secretary, Board Of Secondary Education, Assam. The examination of the Secretary is necessary. The petition was rejected by the learned Trial Court and the petitioner is before this Court by challenging this order dated 25.04.2024. However, the petitioner is not interested to pursue the matter and has prayed for withdrawal of the petition.
5. I have considered the submissions at the Bar with circumspection.
6. As the petitioner has abandoned his claim, I deem it fit and proper to dispose of the petition.
7. In terms of the above observation, petition is disposed of and the interim order dated 25.04.2024 is vacated.

JUDGE

Comparing Assistant