

GAHC010094762024



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

Case No. : I.A.(CrI.)/435/2024

DIGANTA BORA @ TUTU AND ANR
SON OF LATE DEBA BORA, R/O OFFICE LINE, TIPONG, UNDER LEKHAPANI
P.S., DIST. TINSUKIA

2: SRI RITU BORA

SON OF LATE DEBA BORA
R/O OFFICE LINE
TIPONG
UNDER LEKHAPANI P.S.
DIST. TINSUKI

VERSUS

THE STATE OF ASSAM,
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. B M CHOUDHURY

Advocate for the Respondent : PP, ASSAM

Linked Case : CrI.A./107/2008

DIGANTA BORA

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2: TUTU BORA

3: RITU BORA
ALL ARE SONS OF LATE DEBA BORA
R/O OFFICE LINE
TIPONG
UNDER LEKHAPANI P.S.
DIST. TINSUKIA
VERSUS

THE STATE OF ASSAM

-

Advocate for : MR. A K BHATTACHARYYA
Advocate for : MR.R KALITA appearing for THE STATE OF ASSAM

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

13.05.2024

1. Heard Mr. BM Choudhury, learned counsel for the applicants. Also heard Mr. MP Goswami, learned Addl. PP, Assam.
2. This is an application for correction of the name of the appellant No. 2 in the cause title of the judgment and order dated 22.04.2024 passed in Crl. A. No. 107/2008 by this court and also for certain correction of typographical errors in the paragraph No. 2 of the said judgment and order.
3. Perused the pleadings made in the application.
4. So far relating to the correction of cause title, it is seen that the name of the appellant No. 2 was typed in the appeal memo as " Sri Tutu Bora" and name of the appellant No. 1 as "Sri Diganta Bora". However, said names were also corrected as "Sri Diganta Bora @ Tutu" and "Sri Tapan Bora" by

hand with a signature of the learned counsel for the appellants. But, in the CIS, such corrections were not incorporated and accordingly in the cause title of the judgment and order, the uncorrected names were incorporated. That being the position, the Registry is directed to correct the names of the appellants in the CIS as per the names corrected and reflected in the cause title of the appeal memo.

5. From the perusal of the records, it is also seen that at paragraph No. 2 there are some discrepancies as regards the description of the sentence and relevant Sections of IPC in 2/3 places. The aforesaid corrections are being typographical in nature and having no bearing on the decision taken, said paragraph is corrected to the following effect:

“The present appeal is preferred under Section 374(2) of the Code of Criminal Procedure, 1973 against the judgment and order dated 27.05.2008 passed by the learned Additional Sessions Judge (FTC) No. 1, Tinsukia in Sessions Case No. 131(M)/2003 convicting the appellants under Sections 326/34, 323/34 and 324/34 of the IPC and sentencing them to undergo Rigorous Imprisonment for 2 years (each) with fine of Rs. 3,000/- (each) in default Rigorous Imprisonment for 3 months (each) under Section 326/34 of the IPC and Rigorous Imprisonment for 1 year (each) under Section 324/34 of the IPC and Rigorous Imprisonment for 3 months (each) under Section 323/34 of the IPC and all the sentences were to run concurrently.”

6. Accordingly, the present application stands allowed. It is provided that the paragraph No. 2 of the said judgment and order shall be read as aforesaid.

7. IA stands disposed of.

JUDGE

Comparing Assistant