

GAHC010098772023



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

Case No. : Crl.L.P./25/2023

RAJU GUPTA
C/O LATE KEDARNATH GUPTA,
R/O RAJAMAIDAM NEW COLONY, JORHAT,
P.S.- JORHAT, DIST.- JORHAT, ASSAM.

VERSUS

SURAJIT HAZARIKA AND ANR.
S/O LATE P.K. HAZARIKA,
R/O WARD NO. 4, AMGURI TOWN, P.S.- AMGURI, DIST.- SIVASAGAR,
ASSAM.

2:THE STATE OF ASSAM
REP. BY P.P.
ASSAM

Advocate for the Petitioner : MR D TALUKDAR

Advocate for the Respondent : MR. K R BORA (R-1)

Linked Case :

RAJU GUPTA

VERSUS

SURAJIT HAZARIKA AND ANR. H

Advocate for : MR D TALUKDAR

Advocate for : appearing for SURAJIT HAZARIKA AND ANR. H

BEFORE

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

29. 05. 2024

Heard Ms. D Goswami, learned counsel for the petitioner. None appears for the private respondent No. 1 though notice has duly been served upon the respondent No. 1. However, Mr. P Borthakur, learned Additional Public Prosecutor, Assam is present representing the respondent No. 2.

The present application is filed under Section 378 (3) of the Cr.P.C. seeking leave for filing an appeal against the judgment and order dated 13.03.2023 passed by the learned Chief Judicial Magistrate, Jorhat in CR (NI) case No. 34/2016 under Section 138 of the NI Act.

None appears for the respondent No. 1 to object such prayer.

Perused the statement made in the application. After considering the same, this court is of the view that the petitioner has been able to make out a case for granting leave.

Accordingly, the present application is allowed by granting leave for preferring an appeal against the judgment and order dated 13.03.2023.

Accordingly, petition stands disposed of.

JUDGE

Comparing Assistant