

GAHC010236952024



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

Case No. : Crl.Pet 603/2024

ABDUL MOZID AND ANR
S/O SURAT ALI
R/O BEJORSUTI
P.O.-MAHTOLI
P.S.-BOKO
DIST-KAMRUP
ASSAM
PIN-781136

2: SURAT ALI
S/O LT. KAZIMUDDIN
R/O BEJORSUTI
P.O.-MAHTOLI
P.S.-BOKO
DIST-KAMRUP
ASSAM
PIN-781136
VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

2:MRS. SANIYARA BEGUM
D/O LATE SIDDIQUE ALI
R/O BEJORSUTI
P.O.-MAHTOLI
P.S.-BOKO
DIST- KAMRUP
ASSAM
PIN-781136

Advocate for : MR. A ALI
Advocate for : PP

ASSAM appearing for THE STATE OF ASSAM AND ANR

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

Date : 12.11.2024

Heard Mr. A Ali, learned counsel for the petitioners.

The present application is filed under sections 482/401 Cr.P.C, 1973, assailing the ex-parte order(s) dated 10.10.2023 and 12.10.2023, passed by the learned JMFC, Kamrup at Boko in connection with D.V. Case No.04/2021.

It is an admitted position that the aforesaid D.V. Case No.4/2021 is registered on the basis of an application filed by the respondent wife under section 12 of the Domestic Violence Act, 2005.

At this stage Mr. Ali, learned counsel for the petitioners submits that as appeal under section 29 of the Domestic Violence Act lies against the impugned order, he may be allowed to withdraw the present petition and file appeal before the jurisdictional appellate court.

Prayer is allowed.

Accordingly the present criminal petition stands closed on withdrawal with liberty to the petitioner to approach the learned trial court.

JUDGE

Comparing Assistant