

GAHC010102292024



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

Case No. : CrI.L.P./18/2024

MD. ABDUR REZZAK
S/O ABDUR RAHMAN, VILL.- PADMAPUKHURI, P.O. AND P.S.-
GOSSAIGAON, DIST.- KOKRAJHAR, ASSAM.

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REP. BY THE P.P., ASSAM.

2:AZIZUL HOQUE
S/O SAKIMUDDIN SK

VILL.- HASRABARI PT. 1
P.O.- SAPKATA
P.S.- GOSSAIGAON
DIST.- KOKRAJHAR
ASSAM.

3:ROHIMA BIBI
S/O ABDUL ROHIM SK

VILL.- HASRABARI PT. 1
P.O.- SAPKATA
P.S.- GOSSAIGAON
DIST.- KOKRAJHAR
ASSAM

Advocate for the Petitioner : MS M DAS (LEGAL AID COUNSEL)

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 24-05-2024

Heard Ms. M. Das, learned Legal Aid Counsel for the appellant/petitioner, who has filed an application for leave to file an appeal against acquittal vide judgment dated 07.12.2023 passed by the learned Additional Sessions Judge (FTC), Kokrajhar Circuit Court at Gossaingaon in Session Case No. T1/21/2021 acquitting the respondent Nos. 2 and 3 from the charges under Sections 304(B)/498(A) of the Indian Penal Code, 1860.

Leave to file an appeal against acquittal as per proviso of Section 372 of the CrPC is allowed. The appellant is a victim as per Section 2(wa) of the CrPC. It is submitted on behalf of the appellant that despite overwhelming evidence, the trial Court acquitted the accused. The trial Court has thus erred while passing the impugned judgment.

The delay has already been condoned.

Registry to register the connected appeal in its usual course.

In the above terms, this Criminal Leave Petition stands disposed of.

JUDGE

Comparing Assistant