

GAHC010120692023



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

Case No. : Crl.Pet./551/2023

DR. UPENDRA NATH KALITA
S/O LATE BHABENDRA NATH KALITA
R/O VILL- DOLAIGAON MAJPARA, P.S. BONGAIGAON, DIST.
BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP, ASSAM

2:SRI BISHAL BANIK
SUB-INSPECTOR
DHALIGAON
POLICE STATION
DIST. BONGAIGAON
ASSA

Advocate for the Petitioner : MR. N K KALITA,

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

O R D E R

31.07.2024

Heard Ms. P. Boro, learned counsel appearing on behalf of Mr. N.K. Kalita, learned counsel representing the petitioner and Mr. B. Sharma,

learned Additional Public Prosecutor for the State respondent No.1/informant.

2. This criminal petition filed by the petitioner is for quashing the impugned F.I.R submitted by the respondent No.2, Sub-Inspector of Police of Dhaligaon Police Station in connection with Dhaligaon Police Station Case No.207/2022, registered under Sections 120(B)/379/411 IPC read with Section 11(1)(a)(d)(c)(h) of the Prevention of Cruelty to Animal Act, 1960, read with Section 3(1) of the Assam Cattle Preservation Act, 2022, corresponding to PRC No.74/2023 and the subsequent proceeding relating to said Dhaligaon P.S. Case No.207/2022.

3. This criminal petition was filed by the petitioner on 08.06.2023 and it is submitted by Ms. P. Boro, learned counsel for the petitioner that during pendency of this petition, the concerned trial Court has already recorded the evidence of the witnesses in the case and the matter is now fixed for argument.

4. It is seen that notice in this case has not been yet issued and by order dated 13.06.2023, scanned copy of the records of PRC No.74/2023 arising out of Dhaligaon P.S. Case No.207/2022 was called for.

5. From the communication of the learned Additional Chief Judicial Magistrate, Chirang dated 16.11.2023, it is seen that the records of said PRC No.74/2023 has already been committed by the said learned Magistrate to the Court of learned Sessions Judge, Chirang, Kajalgaon on 05.07.2023.

6. Ms. P. Boro, learned counsel for the petitioner, on being enquired, submits that learned Sessions Judge, Chirang, Kajalgaon has already

recorded the evidence of the witnesses in said PRC No.74/2023 and since the matter is in the argument stage, on instruction of the petitioner, his counsel Ms. P. Boro is not pressing this criminal petition.

7. Accordingly, this criminal petition stands dismissed, as not pressed.

JUDGE

Comparing Assistant