

GAHC010124482012



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

Case No. : Crl.Pet./773/2012

DIPANNITA JAISWAL
W/O SRI SANJEEV JAISWAL R/O KHARGHULI, GUWAHATI-4, P.S. LATASIL
DIST. KAMRUP M, ASSAM

VERSUS

STATE OF ASSAM and ANR.

2:THE BHAGYA KALITA
S/O LT. BHARAT KALITA R/O REHABARI
GUWAHATI P.S. PALTANBAZAR
DIST. KAMRUP
ASSAM

Advocate for the Petitioner : MS.P PATHAK, MR.A K BHUYAN,MS.B BHUYAN

Advocate for the Respondent : MR.A CHOWDHURY, MR.P N GOSWAMI,MR.A BORA,PP,
ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

06-08-2024

Heard Mr. A K Bhuyan, learned counsel for the petitioner and Ms. N Das, learned Additional Public Prosecutor, Assam for the respondent No. 1. Also heard Mr. D Gogoi, learned counsel appearing on behalf of Mr. A Choudhury, learned counsel for the respondent No.

2/complainant.

2. The respondent No. 2 as complainant filed a complaint petition before the learned Chief Judicial Magistrate, Kamrup (Metro) at Guwahati on 04.04.2012, wherein the petitioner was made accused No. 1, as in a TV Channel some articles/news were telecast against the complainant, in which the petitioner is its Chairman cum Managing Director.

3. The said complaint of the respondent No. 2 was registered as Complaint Case No. 1018^C/2012 and the learned CJM, Kamrup (Metro), Guwahati transferred the said complaint to the Court of the learned Sub-Divisional Judicial Magistrate (Sadar) No. 1, Kamrup (Metro), Guwahati for disposal.

4. After recording of the statement of the complainant/respondent No. 2 under Section 200 CrPC, the learned SDJM (S) No. 1, Kamrup (M), Guwahati in said Complaint Case No. 1018^C/2012 on 11.05.2012 took cognizance of the offence under Sections 500/501/502/34 IPC against the petitioner and other 5 accused persons, all named in the said complaint case.

5. Aggrieved with the said order of taking cognizance dated 11.05.2012, noted above, the petitioner being the Chairman cum Managing Director of the concerned TV Channel filed this criminal petition on 20.11.2012.

6. The Court in this criminal petition while issuing notice on 22.11.2012 stayed the further proceeding of said Complaint Case No. 1018^C/2012 pending before the Court of the learned SDJM (S) No. 1, Kamrup (M), Guwahati till the returnable date. Later on 10.09.2013 the Court stayed the proceeding of said Complaint Case No. 1018^C/2012 pending before the learned SDJM(S) No. 1, Kamrup (M), Guwahati only with regard to the present petitioner, observing that the said criminal proceeding would continue so far it relates to the other accused persons named in the said complaint case.

7. The said interim stay with regard to the petitioner passed earlier on 10.09.2013 is still in force.

8. During the deliberation of the matter, Mr. Bhuyan, learned counsel for the petitioner brought to the notice of the Court that the respondent No. 2/complainant on 02.10.2014 had withdrawn the said Complaint Case No. 1018^C/2012 pending before the Court of the learned

SDJM (S) No. 1, Kamrup (M), Guwahati and by order dated 02.10.2014 itself, the said learned Magistrate disposed of the said Complaint Case No. 1018^C /2012 and the said submission has been accepted by Mr. D Gogoi, learned counsel appearing on behalf of Mr. A Choudhury, learned counsel for the respondent No. 2/complainant.

9. In view of the above, this criminal petition, being infructuous, stands dismissed.

10. Interim order passed earlier on 10.09.2013 accordingly stands merged with this order.

JUDGE

Comparing Assistant