

GAHC010149612024



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

Case No. : Crl.L.P./26/2024

BIMAL SEN DEKA
S/O PRAFULLA SEN DEKA,
R/O SANTIPATH, R.G. BARUAH ROAD, GUWAHATI- 24, KAMRUP (M),
ASSAM.

VERSUS

PRAFULLA CHANDRA BHUYAN
S/O LATE MAYARAM BHUYAN,
R/O NO. 2 MADGHARIA, GUWAHATI- 20, P.S.- CHANMARI, KAMRUP (M),
ASSAM.

Advocate for the Petitioner : MR. A M BORA, MR. V A CHOWDHURY, MS. C CHOUDHURY

Advocate for the Respondent : ,

Linked Case :

BIMAL SEN DEKA

VERSUS

PRAFULLA CHANDRA BHUYA A

Advocate for : MR. A M BORA
Advocate for : appearing for PRAFULLA CHANDRA BHUYA A

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

ORDER

01.08.2024

1. Heard learned counsel Mr. V. A. Choudhury for the applicant/complainant.
2. This application has been filed by the applicant under Section 419(4) of the BNSS, 2023 challenging the Judgment and order dated 29.05.2024 passed by the Court of Additional Sessions Judge (FTC) No. 3, Kamrup (M), Guwahati in Appeal No. 88/2019 acquitting the respondent Prafulla Chandra Bhuyan, by setting aside the Judgment and Order dated 24.04.2019 passed by the Judicial Magistrate First Class, Kamrup (M) in Complaint Case No. 861/2013 wherein the appellant was acquitted under Section 138 of the N.I. Act to undergo simple imprisonment for 8 months and to pay a compensation of Rs. 12,50,000/- with default stipulation.
3. Section 419(4) of the BNSS, 2023 reads as follows :-

“If such an order of acquittal is passed in any case instituted upon complaint and the High Court, on an application, made to it by the complainant in this behalf, grants special leave to appeal from the order of acquittal, the complainant may present such an appeal to the High Court.”
4. The application has been filed within the period of limitation.

Therefore, application is allowed.

5. Registry to register the connected appeal.
6. In terms of the above observations, application is disposed of.

JUDGE

Comparing Assistant