

GAHC010154972024



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

Case No. : Crl.Rev.P./293/2024

MUZAMMEL HUSSAIN
S/O LT. SAHAJ UDDIN MUNSHI @ SAHA MOLLAH, VILL- DOLONIBEEL,
TILAPARA, P.S.-JOGIGHOPA, DIST- BONGAIGAON, ASSAM

VERSUS

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

2:MOMINA KHATUN (INFORMANT)
W/O MIZANUR RAHMAN
R/O DOLONIBEEL
TILAPARA
P.S.-JOGIGHOPA
DIST- BONGAIGAON
ASSA

Advocate for the Petitioner : MRS. B GOGOI, MR. S RANA,MS M BORAH

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

07.08.2024

Heard Mrs. B Gogoi, learned counsel for the petitioner as well as Mr. D Das, learned Additional Public Prosecutor, Assam.

This is an application filed under section 438(1) and 442 of the BNSS, 2023 challenging the order dated 28.06.2024 passed by the learned Additional Sessions Judge (FTC), North Salmara, Abhayapuri in Sessions Case No. 57(J)/2021.

The petitioner, being an accused, is facing trial before the court below. He filed an application praying for permission to further cross-examination of the Investigating Officer. The trial court did not allow the said prayer on the ground that the petitioner was indulging in some delaying tactic to delay the trial.

I have considered the submission made by the learned counsel of both sides.

This court is of the opinion that the trial court did not apply judicial mind while passing the impugned order. Therefore, the order dated 28.06.2024 passed by the learned Additional Sessions Judge (FTC), North Salmara, Abhayapuri in Sessions Case No. 57(J)/2021 is set aside.

The trial court is directed to call the PW-9 for further cross-examination by the petitioner.

The criminal petition is disposed of.

JUDGE

Comparing Assistant