

GAHC010157462024



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

Case No. : I.A.(CrI.)/707/2024

SAHIDUL ISLAM MIAH
SON OF ABDUS SALAM MIAH AND A RESIDENT OF VILLAGE
SHIMULTAPU NO. 1, POLICE STATION GOSSAIGAON, DISTRICT
KOKRAJHAR, BTAD, ASSAM, PIN- 783360

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A LAL,

Advocate for the Respondent : ,

Linked Case : AB/1746/2024

SAHIDUL ISLAM MIAH
SON OF ABDUS SALAM MIAH AND A RESIDENT OF VILLAGE SHIMULTAPU
NO. 1
POLICE STATION GOSSAIGAON
DISTRICT KOKRAJHAR
BTAD
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PIN- 783360

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR

Advocate for : MR. A LAL

Advocate for : PP

ASSAM appearing for THE STATE OF ASSAM

BEFORE

HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

O R D E R

06.08.2024

Heard Mr. A. Lal, learned counsel for the petitioner who has filed this application with prayer to insert the new Bharatiya Nagarik Suraksha Sanhita, 2023, in place of the earlier code in AB No. 1746/2024.

It is submitted on behalf of the applicant that a pre-arrest bail petition was filed by the applicant, which was registered as Anticipatory Bail Appln. No. 1746/2024. However, instead of filing the petition under Bharatiya Nagarik Suraksha Sanhita, 2023, the aforementioned bail petition was filed under the old code. The applicant has thus prayed to read the anticipatory bail application no. 1746/2024 in terms of Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, instead of Section 438 of the Code of Criminal Procedure.

Heard Mr. B.B. Gogoi, learned Addl. P.P. for the State respondent.

I have considered the submissions at the Bar.

The prayer to correct and read the anticipatory bail application No. 1746/2024 in terms of Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, instead of Section 438 of the Cr.P.C, wherever, the words Cr.P.C is typed is hereby allowed.

The applicant is directed to file an amended petition.

In terms of above observation and direction, this interlocutory bail application stands disposed of.

JUDGE

Comparing Assistant