

GAHC010146052024



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

Case No. : I.A.(Crl.)/738/2024

AHAD UDDIN @ ABDUL AHAD LASKAR
S/O MD. ABDUL NOOR
VILL- DHOLAI PART-III
P.O. DHOLAI MOLAI
P.S. KATLICHERRA

DIST. HAILAKANDI
ASSAM
PIN- 788161

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE PP
ASSAM

2:ANWAR UDDIN MAZUMDER

S/O LT. ABDUL ALI
MAZUMDER
R/O VILL. DHALAI PART-III
TILLAGAON
P.O. DHOLAI MOLAI
P.S. KATLICHERA
DISTRICT HAILAKANDI
ASSAM
PIN 788161.

3:MUSTT. ASARUN NESSA
D/O LT. ABDUL ALI
MAZUMDER
R/O VILL. DHALAI PART-III
TILLAGAON

P.O. DHOLAI MOLAI
P.S. KATLICHERA
DISTRICT HAILAKANDI
ASSAM
PIN 788161.

Advocate for : MR. A H ALAMGIR

Advocate for : PP

ASSAM appearing for THE STATE OF ASSAM AND ORS

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

O R D E R

21.08.2024

Heard Mr. A.H. Alamgir, learned counsel for the applicant and Mr. B. Sharma, learned Additional Public Prosecutor, Assam for the opposite party.

2. It is submitted by Mr. A.H. Alamgir, learned counsel for the applicant that the informant of the case Md. Abdul Ali Mazumder expired and his son Anwar Uddin Mazumder and daughter Mustt. Asarun Nessa are the witnesses in the connected Juvenile Case No.24/2023.

3. As such, the applicant by this application is praying for impleadment of said Anwar Uddin Mazumder and Mustt. Asarun Nessa, son and daughter of informant late Abdul Ali Mazumder as party respondent Nos. 2 and 3, respectively in the connected IA(Crl) No. 681/2024, preferred by the applicant under Section 5 of the Limitation Act, 1963 to condone the delay of 142 days, to which Mr. B. Sharma, learned Additional Public Prosecutor appearing for the opposite party No.1 has no objection.

4. It is seen that said Anwar Uddin Mazumder and Mustt. Asarun Nessa, legal heirs of the informant late Abdul Ali Mazumder are necessary parties for appropriate adjudication of the said IA(Crl) No. 681/2024.

5. Accordingly, Anwar Uddin Mazumder and Mustt. Asarun Nessa are impleaded as respondent/opposite party Nos. 2 and 3, respectively in the connected IA(Crl) No. 681/2024.

6. The applicant is allowed to incorporate the names of Anwar Uddin Mazumder, son of late Abdul Ali Mazumder and Mustt. Asarun Nessa, daughter of late Abdul Ali Mazumder, both resident of village-Dhalai Part-III, Tillagaon, Post Office-Dholai-Molai, Pin-788161, Police Station-Katlicherra, District-Hailakandi, Assam as party opposite party/respondent Nos.2 and 3, respectively, in the connected IA(Crl) No. 681/2024.

7. Accordingly, this interlocutory application stands allowed with the above observations and directions.

JUDGE

Comparing Assistant