

GAHC010162682024



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

**Case No. : Crl.Pet./977/2024**

SMTI. MAMONI BORAH  
W/O LT. PRANAB CHANDRA BORAH, R/O FLAT NO.-1D, KAMAL  
RESIDENCY, SANKARDEV NAGAR PATH, HENGRABARI, P.O.-ASSAM  
SACHIVALAYA, P.S.-DISPUR, DIST- KAMRUP (M), ASSAM, GUWAHATI-  
781006

VERSUS

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

2:SMTI. MANJU DUTTA  
W/O LT. DIBAKAR BORA  
R/O H/NO. 199  
TETELITAL ODALBAKRA  
P.O.-KAHILIPARA  
DIST- KAMRUP (M)  
ASSAM  
GUWAHATI-78101

**Advocate for the Petitioner** : MR. B. DAS,

**Advocate for the Respondent** : PP, ASSAM,

**:: BEFORE ::**

**HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

**O R D E R**

21.08.2024

Heard Mr. B. Das, the learned counsel appearing for the petitioner. Also heard Mr. K.K. Parasar, the learned Addl. Public Prosecutor, Assam representing the State.

**2.** This is an application under Section 528 of the BNSS, 2023 praying for quashing the impugned order dated 20.06.2024 passed by the Judicial Magistrate First Class, Kamrup (M) Guwahati in C.R. Case No.2422/2020.

**3.** The petitioner has been facing a trial for committing an offence under Section 138 of the N.I. Act. After closure of hearing of evidence of both sides, and when the case was posted for argument, the petitioner filed an application under Section 91 and 311 of the CrPC before the trial court stating that the Respondent No.2/the complainant did not prove her income tax returns to prove that she had the financial capacity to issue a loan to the present petitioner.

**4.** The trial court rejected the prayer for certain reasons which do not deserve to be discussed in this case.

**5.** After hearing the learned counsel of both sides, this Court is of the opinion that the learned trial had correctly rejected the prayer of the present petitioner. This Court finds that the said petition was filed by the present petitioner just to delay disposal of the case before the trial court.

**6.** The present petition is devoid of any merit and therefore, stands dismissed

and disposed of.

**JUDGE**

**Comparing Assistant**