

GAHC010165382024



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

Case No. : Crl.Pet./1016/2024

L JAYANANDA SINGH
S/O SRI LAITONJAM INAO SINGH
R/O KHURAI KONSAM LEIKAI
P.O. LAMLONG, P.S. POROMPAT
IMPHAL EAST, DISTRICT, MANIPUR.

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP, ASSAM

2:M/S PRAG INDIA
A PARTNERSHIP FIRM HAVING ITS PRINCIPAL PLACE OF BUSINESS AT 218
SHREEMANTA MARKET
A.T. ROAD
P.O. GUWAHATI- 781001
DIST. KAMRUP (M)
ASSAM
REPRESENTED BY ITS AUTHORIZED REPRESENTATIVE SRI JATINDRA
KUMAR SINGHA
SON OF LATE PAKA SINGHA
PH. NO. 9854008402

Advocate for the Petitioner : MR S DAS, P J DAS,M. TAPAN SHARMA

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

21.08.2024

Heard the learned counsel Mr. S. Das appearing for the petitioner. Also heard Mr. D. Das, the learned Addl. Public Prosecutor, Assam.

2. The is an application under Section 528 of the BNSS, 2023 praying for quashing the name of the present petitioner from N.I. Case No.6102 of 2023 pending in the court of learned JMFC, Kamrup(M) at Guwahati.

3. The present petitioner issued cheques to the Respondent No.2 which were dishonoured by the Bank. The petitioner, a proprietorship firm had issued cheques on behalf of M/S. Prag India.

4. Mr. S. Das has submitted that the father of the present petitioner is the proprietor of M/S. L.I. Steel and on the basis of an authority given by the father, the present petitioner issued those cheques. According to Mr. Das, the father of the present petitioner is liable for issuing cheques which were bounced and he was not made a party in the N.I. Case No.6102 of 2023.

5. Mr. S. Das further submits that the petitioner has not taken this plea before the trial court.

6. After hearing both sides, the present petitioner Sri L. Jayananda Singh is directed to approach the trial court for stating that his father is the proprietor of M/S. L.I. Steel and he should be impleaded in place of him (the present petitioner). Thereafter, the trial court shall decide the matter.

With the aforesaid direction, the present criminal petition stands disposed of.

JUDGE

Comparing Assistant