

GAHC010166292024



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

Case No. : I.A.(Crl.)/751/2024

MOHIT HAZARIKA
S/O LATE KAMALESWAR HAZARIKA
R/O BORBIL
P.S. HOWRAGHAT,
DIST. KARBI ANGLONG

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP ASSAM

2:SRI MINTU PATOR
S/O LT. SUBANTA PATOR
R/O SIX KM
NEAR DISTRICT JAIL DIST. KARBI ANGLONG
ASSAM

Advocate for the Petitioner : MR. M.P. BORAH,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

16.08.2024

Heard Mr M P Borah, learned counsel for the applicant, Mohit Hazarika and learned Additional Public Prosecutor, Mr B B Gogoi, for the State of Assam.

2. The applicant has filed a criminal revision petition registered as Criminal Revision Petition No. 301/2024. Thereafter, an interlocutory application was also filed registered as IA(Crl.) No. 723/2024, in connection with the earlier Criminal Revision Petition No. 301/2024.
3. It is submitted on behalf of the applicant that inadvertently, the application was filed under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023, in short) and the section was reflected in the Cause Title of the aforesaid interlocutory application. But on closer perusal of the said application, it was found that the application ought to have been filed under Section 438 (1) of the BNSS, 2023.
4. The applicant has prayed for amendment and correction of the Cause Title of the IA(Crl.) No. 723/2024 and insert the correct section, i.e., Section 438 (1) of the BNSS, 2023,
5. The prayer of the applicant is allowed and the interlocutory application, i.e., IA(Crl.) No. 723/2024 may be amended by filing an amended cause title.
6. In terms of the above observations, this present interlocutory application stands disposed of.

JUDGE

Comparing Assistant