

GAHC010171822016



2024:GAU-AS:11529

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

Case No. : Crl.Pet./502/2016

NANDA DULAL SARKAR
M.COM. LL.B VILL- PANIKHAITI NEAR HOME GUARD T.C. P.S.
PRAGJYOTISHPUR GUWAHATI - 781026.

VERSUS

THE STATE OF ASSAM and 4 ORS.

2:THE O/C
PRAGJYOTISHPUR P.S.
DIST. KAMRUP METRO
ASSAM.

3:SHRI JIWAN DAIMARI
S.I. I/C PANIKHAITI POLICE OUT POST
GUWAHATI - 781026
NOW POSTED OUT

4:SHRI NABA THAKURIA
A.S.I PANIKHAITI POLICE OUT POST
GUWAHATI - 781026.

5:SMTI. LALITA NAMASUDRA
W/O LT. GOPESH NAMASUDRA
BEGNBARI VILL and P.O. PANIKHAITI GUWAHATI - 781026

Advocate for the Petitioner : MR.N D SARKAR, PETITIONER IN PERSON

Advocate for the Respondent : MR.A MUNIRR-4, MR.P K MUNIR(R-4),PP, ASSAM,MS.B DAS(R-5)

BEFORE
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

25-11-2024

- 1.** Heard Mr. N.D.Sarkar, the petitioner in person.
- 2.** The present petition is filed under Section 482 of the Criminal Procedure Code, 1973 for quashment of Pragjyotishpur P.S. Case No. 22/2016 registered under Sections 406/420 IPC.
- 3.** During the pendency of this petition, the Investigating Officer completed the investigation of the case and filed charge-sheet under Section 406/420 IPC. Thereafter, at the time of framing of charge, the learned Trial Court below has discharged the accused person from the offence under Section 406 IPC. However, charge under Section 420 IPC was framed.
- 4.** It is submitted that in the meantime, the trial has been proceeding and some witnesses have also been examined and cross-examined. Therefore, at this stage, nothing survives to adjudicate in this petition, so far relates to quashment of FIR. Accordingly, this criminal petition stands closed.
- 5.** However, it is made clear that any observation made in this order shall not be treated as a comment on the merit of the claim of the parties and the learned Trial Court shall decide the trial on its own merit.

JUDGE

Comparing Assistant