

GAHC010243222024



2024:GAU-AS:11802

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

Case No. : Crl.Rev.P/335/2023

ABU SADEQUE ISHTIAQUE AHMED CHOUDHARY
S/O LATE ABDUL JALIL CHOUDHURY
R/O VILL AND P.O. KANSAL
PS. AND DIST. KARIMGANJ
ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE LD. PP
ASSAM

2:MD. JAHIRUL HAQUE LASKAR
S/O LATE FAJLUL HAQUE
LASKAR

R/O VILL- BASKANDI
PART-II

P.S. LAKHIPUR
DIST. CACHAR
ASSAM

3:ABDUR RAHMAN LASKAR
S/O HAZI ZIAUL ISLAM LASKAR
R/O VILL- BANSKANDI

P.O. LAKHIPUR
DIST. CACHAR
ASSAM

4:ABU TAHER MAZUMDER
S/O LATE SAMAR UDDIN MAZUMDER

R/O VILL-BANSKANDI
PART-II
PO. BANSKANDI
P.S. LAKHIPUR
DIST. CACHAR
ASSAM

5:MD. MUSLEK UDDIN LASKAR
S/O LATE RAJIM UDDIN LASKAR
R/O VILL- BANSKANDI
PART-II
P.S. LAKHIPUR
DIST. CACHAR
ASSAM

Advocate for : MR. A BHATTACHARYA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND 4 ORS.

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

28.11.2024

Heard learned counsel, P Kataki, for the petitioner, Abu Sadeque Ishtiaque Ahmed Choudhary, who has filed this application under Sections 401/397 of the Code of Criminal Procedure, 2023 (CrPC, for short), with prayer for quashing and setting aside the Judgment and Order dated 15.07.2023, passed in connection with Crl. Revision No. 20/2022, arising out of order dated 05.01.2022, passed by the learned SDJM (M), Lakipur, Cachar, Silchar, framing charge under Sections 406/420 of the Indian Penal Code, 1860, against the accused, Abu Sadeque Ishtiaque Ahmed Choudhary, the present petitioner in this case. Charges have been framed against all the accused named in the

FIR.

2. Heard Mr R R Kaushik, learned Additional Public Prosecutor for the State of Assam.

3. The other respondents have not been represented today.

4. Office Note dated 23.09.2024 indicates that notices have been served to the respondent Nos. 2, 3, 4 and 5, but they are not represented today.

5. Against the order of framing charge dated 05.01.2022, in connection with GR Case No. 4481/2010, the present petitioner preferred a criminal revision under Sections 397/399 CrPC, which was dismissed by the learned Additional Sessions Judge, Cachar, Silchar, vide order dated 15.07.2023.

6. Against this order of dismissal, the present petitioner has filed this revision petition under Sections 401/397 CrPC.

7. I have considered the submissions at the Bar with circumspection.

8. It is submitted that Section 397(3) CrPC bars a second revision application. Thereby, it is held that this petition is not maintainable and this petition stands dismissed on withdrawal, with a liberty to file a fresh petition.

JUDGE

Comparing Assistant