

GAHC010187492024



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

Case No. : Crl.Rev.P./353/2024

AZIM UDDIN AND 3 ORS
S/O LATE TAIZUDDIN
R/O VILL- KAWAIMARI 9 NO. BLOCK, P.O. NALIGAON, P.S. SARTHEBARI,
DIST. BARPETA, ASSAM

2: AMIDUL ISLAM
S/O AZIM UDDIN
R/O VILL- KAWAIMARI 9 NO. BLOCK
P.O. NALIGAON
P.S. SARTHEBARI
DIST. BARPETA
ASSAM

3: ABDUL HAI
S/O AZIM UDDIN
R/O VILL- KAWAIMARI 9 NO. BLOCK
P.O. NALIGAON
P.S. SARTHEBARI
DIST. BARPETA
ASSAM

4: RAHIM BADSHA
S/O AZIM UDDIN
R/O VILL- KAWAIMARI 9 NO. BLOCK
P.O. NALIGAON
P.S. SARTHEBARI
DIST. BARPETA
ASSA

VERSUS

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

2:MIRJAN ALI
S/O LATE ABDUL GAFUR
VILL- KAWAIMARI 9 NO. BLOCK
P.O. NALIGAON
P.S. SARTHEBARI

DIST. BARPETA
ASSAM
PIN-78135

Advocate for the Petitioner : MR. R ALI, MR H A AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 16.09.2024

Heard Mr. R.Ali, learned counsel for the petitioners and Mr. D.P.Goswami, learned Addl. P.P., Assam for the State respondent No.1.

By filing this petition under Sections 438/442/528 of the Bharatiya Nagarik Surakshya Sanhita, 2023 the petitioners have prayed for setting aside/ quashing and also to allow the petitioners to adduce defence witnesses vide the impugned order dated 20.08.2024 passed by the learned Sessions Judge, Barpeta in Sessions Case No.176/2022 fixing the case for argument.

The allegation in the FIR reveals kidnapping and torturing the daughter of the informant by the petitioners about a year back.

It appears that vide order dated 20.08.2023, the case was fixed on 03.09.2024 for argument in trial court, on which date, the petitioners took adjournment and the next date is fixed on 17.09.2024 for argument.

Having heard learned counsel for the parties and on perusal of the order of the

learned trial court, the impugned order dated 20.08.2024 is hereby set aside with a direction to the petitioners to approach before the learned trial court and the learned trial court is directed to fix one more date for examining the defence witness.

The criminal revision petition is accordingly disposed of.

JUDGE

Comparing Assistant