

GAHC010192242022



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

Case No. : Crl.Pet./952/2022

SIDHARTHA KR JAIN
S/O MR. ABHAY KUMAR JAIN
(PROPRIETOR OF S.K. ENTERPRISE)
AD 381, RABINDRA PALLY
SWABUJDEEP APARTMENT, Y BLOCK 4TH FLOOR, KESTOPUR,
GEETANJALI PATH, KOLKATA - 700101
P.S. RAJARHAT P.O. GOPALPUR
DIST. KOLKATA
STATE- WEST BENGAL
PIN - 943547853

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE PP, ASSAM

2:M/S PUSHPA TRADERS
PROPRIETOR CHITRA DEVI CHIRANIA
WARD NO. 4

GAURIPUR
P.S. GAURIPUR
DIST. DHUBRI ASSAM

3:MABUD ALI (ASI)
GAURIPUR POLICE STATION

THE I/O OF G.R. CASE NO. 171/2022
GPR
P.S. CASE NO. 37/2022

4:RITU JYOTI NATH

OFFICER IN CHARGE GAURIPUR POLICE STATION

Advocate for the Petitioner : MR. A R MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 14.06.2024

Heard Mr. A.R. Medhi, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State/respondent Nos. 3 and 4 and Mr. S. Das, learned counsel for the respondent No. 2.

This is an application under Section 482 Cr.P.C. praying for setting aside and quashing of the impugned order dated 20.08.2022 passed by the learned Additional Sessions Judge, Dhubri in Criminal Revision Case No. 13/2022, dismissing the revision petition and the impugned order passed in G.R. Case No. 171/2022 by the learned Additional CJM, Dhubri in reference to Gauripur P.S. Case No. 37/2022 dated 30.05.2022 allowing the respondent/complainant to disburse the jute amount.

It is submitted by the learned counsel for the petitioner that on 20.08.2022, the case was fixed for hearing before the learned Additional Sessions Judge, Dhubri but the learned engaged counsel for the petitioner was not in a position to attend the court in time, as he was late and arrived the court at 11.50 a.m. instead of 10.30 a.m., as a result of which, the revision petition was dismissed. Therefore, the learned counsel for the petitioner prays that the impugned order dated 20.08.2022 be set aside and the matter may

also be heard on merit.

On the other hand, learned counsel for the respondent No. 2 who is the informant in the case, has no objection if the matter be heard afresh.

I have considered the submissions made by the learned counsel for the parties.

In view of the above, the impugned order dated 20.08.2022 is hereby set aside. Parties are directed to appear before the court of learned Additional Sessions Judge, Dhubri on 24.07.2024. The learned Additional Sessions Judge, Dhubri will hear the matter afresh and pass order in accordance with law.

Till disposal of the criminal revision petition, the jute amount will not be disbursed.

In view of above, the criminal petition stands disposed of accordingly.

JUDGE

Comparing Assistant