

GAHC010199072024



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

Case No. : I.A.(CrI.)/910/2024

TAIBUR RAHMAN
S/O ABDUL KALAM, R/O 2 NO. SONAPUR, P.S.-BIHPURIA, P.O.-SONAPAUR,
PIN NO. 784160, DIST- LAKHIMPUR (ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M RAHMAN,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 01.10.2024

Heard Mr. P.J. Saikia, learned senior counsel, assisted by Mr. M. Rahman, learned counsel for the applicant. Also heard Mr. B. Sarma, learned Addl. P.P. for the State.

2) By filing this interlocutory application, the applicant, namely,

Taibur Rahman, has prayed for expunging paragraphs 4 and 8 of the order dated 13.09.2024, passed by this Court in B.A. No. 2653/2024.

3) It would be appropriate to quote the said order dated 13.09.2024, which is as follows:-

“Heard Mr. M. Rahman, learned counsel for the petitioner.

2. As per the Gauhati High Court Rules, there is a requirement that the petitioner, who is swearing the affidavit in support of any matter including the bail application, is required to disclose his/ her phone number.

3. The phone number provided in the affidavit is 8638245766. On verification through mobile app, it was found that the said phone number belongs to one Basanta Nath.

4. Accordingly, on disclosure that false information is contained in the affidavit which is supporting this bail application, the Registry shall examine and do the needful as regards the incident of providing false phone number in the affidavit, supporting the bail application. 5. At this stage, the learned counsel for the petitioner seeks to withdraw this bail application with liberty to approach again.

6. Prayer is allowed.

7. This bail application stands dismissed on withdrawal with liberty, as prayed for.

8. Let this order be brought to the notice of the Registrar General of this Court.”

4) The learned senior counsel for the applicant has submitted that though in the filing form two alternatives are provided for providing mobile phone numbers, but as the applicant has no mobile number, he had provided the phone number of his counsel, namely, Basanta Kr. Nath, advocate, who is enrolled in the Bar Council of Assam, etc. under Enrollment number 995 of 2012 dated 15.10.2012. It has also been submitted that in the affidavit, appended to this interlocutory application, the applicant has provided the mobile number of his father as well as of his same learned counsel. To support his submission, the learned senior counsel for the applicant has produced a photocopy of the identity card of the said advocate, namely, Basanta Kr. Nath, which is made a part of the record.

- 5) Accordingly, it is submitted by the learned senior counsel for the applicant that under a wrong impression, an inadvertent mistake has been committed because his learned counsel would have communicated any information that might have been received by him in connection with the said bail application and therefore, the applicant and his learned counsel were under the impression that the applicant could have been contacted on the said mobile phone number. It has been submitted that the mistake is bona fide mistake and would not be repeated again.
- 6) Upon considering the explanation tendered, the same is accepted as a sufficient explanation for providing mobile phone number of the learned counsel for the applicant in the affidavit filed by the applicant in support of B.A. No. 2653/2024.
- 7) Resultantly, the Court is inclined to put the learned instructing counsel to notice not to repeat the same again and accordingly, expunge the observations made by this Court in paragraph 4 and 8 of the above referred order dated 13.09.2024, passed by this Court in B.A. No. 2653/2024.
- 8) This order shall be read with the order dated 13.09.2024, passed by this Court in B.A. No. 2653/2024.
- 9) Let this order be brought to the notice of the Registrar General of the Court.
- 10) This interlocutory application is allowed and disposed of.

JUDGE

Comparing Assistant