

GAHC010203152024



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

Case No. : Crl.Pet./1195/2024

DR GOLAP CHANDRA BARUAH
S/O-NABAKANTA BARUAH,
R/O- BORDOLOI NAGAR, TINSUKIA,
P.O,P.S AND DIST- TINSUKIA, ASSAM

VERSUS

MANJU GURUNG
D/O- MADAN KUMAR GURUNG,
W/O- DR. GOLAP CHANDRA BARUAH,

R/O- RSA PLOT NO-93,
OPPOSITE RASHTRIYA, VIDYALAYA,
P.O AND P.S- DIGBOI, DIST- TINSUKIA, ASSAM, PIN-786171

Advocate for the Petitioner : MR. S ISLAM, A R MONDAL,MR. ATIULLAH HAWARI

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 26.09.2024

Heard Mr. S. Islam, learned counsel appearing for the petitioner.

2. This is an application under Section 528 of BNSS, 2023 praying for setting aside and quashing the impugned order dated 12.08.2024 passed by the learned Additional District

Judge, Tinsukia in Misc.(J) Case No. 20/2024 arising out of Title Suit (M) No.118/2024.

3. On 12.08.2024, the respondent filed a petition before the learned court below under Section 340 of the Cr.P.C. The learned court below passed the impugned order dated 12.08.2024 without hearing the present petitioner.

4. Therefore, the impugned order is bad in law. The order dated 12.08.2024 passed by the learned Additional District Judge, Tinsukia in Misc.(J) Case No. 20/2024 arising out of Title Suit (M) No.118/2024 is set aside and quashed.

5. The matter is remanded back to the trial court. The trial court shall issue notice to the present petitioner and after hearing him, pass a fresh order upon the petition filed by the respondent.

With the aforesaid direction, the criminal petition stands disposed of.

JUDGE

Comparing Assistant