

GAHC010226982024



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

Case No. : I.A.(Crl.)/1013/2024

MANTU DEBNATH AND ANR
S/O SRI MALIN CH. DEBNATH R/O VILL- JARANGDISHA PVM ROAD,
LUMDING, P.O. AND P.S. LUMDING, DIST. HOJAI, ASSAM

2: SWAPAN DEY ALIAS MAMU
HOJAI

2: SRI SWAPAN DEY @ MAMU
S/O LATE SADHAN CH. DEY R/O BRICK FIELD CHUNA PATTY
LUMDING
PIN-782447
P.O. AND P.S. LUMDING
DIST. HOJAI
ASSA

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP ASSAM

Advocate for the Petitioner : MR NAVA KUMAR KALITA,

Advocate for the Respondent : PP, ASSAM,

Linked Case : AB/2778/2024

MANTU DEBNATH AND ANR
S/O SRI MALIN CH. DEBNATH

R/O VILL- JARANGDISHA
PVM ROAD
LUMDING

P.O. AND P.S. LUMDING

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THE STATE OF ASSAM AND ANR.
REP BY THE PP
ASSAM

Advocate for : MR. N K KALITA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR.

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

29.10.2024

Heard Mr. N K Kalita, learned counsel for the applicants/ petitioners and Ms. S H Bora, learned Additional Public Prosecutor, Assam for the State.

2) On 14.10.2024, the applicants preferred an application under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 being AB No. 2778/2024 seeking pre-arrest bail in Lumding Police station Case No. 98/2024 registered under Section 7 of the Lotteries

(Regulation) Act, 1998 corresponding to GR No. 2046/2024.

3) This Court vide order dated 23.10.2024 passed in said AB No. 2778/2024 while granting interim pre-arrest bail to the petitioners, namely, **(i) Sri Mantu Debnath** and **(ii) Sri Swapan Dey** in said Lumding Police station Case No. 98/2024, amongst others, directed the petitioners to appear before the concerned Investigating Officer of said Lumding P.S. Case on or before 28.10.2024 and called for production of the relevant up-to-date case diary of said Lumding Police station Case No. 98/2024, fixing the matter on 08.11.2024.

4) By this application, the applicants/petitioners of said AB No. 2778/2024 placed before the Court that on an application of the concerned Investigating Officer of said Lumding P.S. Case and pursuant to the order dated 19.10.2024 of the learned Chief Judicial Magistrate, Hojai passed therein, Sections 223(b)/297/316(2)/318(4) of the BNS, 2023 have been added in addition to Section 7 of the Lotteries (Regulation) Act, 1998 in said Lumding P.S. Case No. 98/2024 and that the said fact was not known to the petitioners earlier.

5) In view of the above, the applicants have filed this application praying for adding of Sections 223(b)/297/316(2)/318(4) of the BNS, 2023 in said Lumding Police station Case No. 98/2024, in terms of said order of the learned CJM, Hojai dated 19.10.2024, noted above.

6) The applicants are directed to add Sections 223(b)/297/316(2)/318(4) of the BNS in its AB No. 2778/2024 by correcting the cause title of said AB No. 2778/2024 as well as the prayer portion made therein, by filing an appropriate application.

7) Further, the order dated 23.10.2024 passed in AB No. 2778/2024 in said Lumding Police station Case No. 98/2024 registered under Section 7 of the Lotteries (Regulation) Act, 1998 shall be read with Sections 223(b)/297/316(2)/318(4) of the BNS, 2023.

8) The petitioners are now directed to appear before the concerned Investigating Officer of said Lumding P.S. Case No. 98/2024 by 31.10.2024 during the office hours for recording of their statements so as to comply with the terms and conditions of the order dated 23.10.2024 passed in the connected AB No. 2778/2024.

9) This order shall be read together with the order dated 23.10.2024 passed in AB No.

2778/2024, preferred by the petitioners.

10) With the above observations and directions, this Interlocutory Application stands disposed of.

JUDGE

Comparing Assistant