

GAHC010228352024



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

Case No. : I.A.(Crl.)/1032/2024

SHANEIL KALITA
W/O- ADITYA BARUVA,
D/O- SUDIPTA KALITA,
R/O- MAZGAON, NEAR VARTAK JCO MESS, TEZPUR,
P.O AND P.S- TEZPUR, DIST- SONITPUR, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:SRI ADITYA BARUVA

S/O- LATE INDRAJEET BARUVA
R/O- SONARI HOUSE
H.NO-24
BYE LANE -3
GANESH MANDIR PATH
NOONMATI
GUWAHATI-21
P.S- NOONMATI
DIST- KAMRUP(M)
ASSA

Advocate for the Petitioner : MR. A K BHUYAN, MS. N CHOUDHURY,MS B BORA

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

13.11.2024

Heard Mr. A K Bhuyan, learned counsel for the applicant and Mr. R R Kaushik, learned Additional Public Prosecutor, Assam and Mr. P Mahanta, learned counsel for the Opposite Party No. 2.

The present application has been filed praying for vacating the stay order dated 22.10.2024 passed in the connected Criminal Revision Petition No. 417/2024.

The petitioner is facing trial in CR Case No. 631/2023 under Sections 498 and 406 of the Indian Penal Code pending in the Court of the learned Judicial Magistrate First Class, Sonitpur, Tezpur.

On 13.09.2024, the accused petitioner filed an application before the Court saying that his counsel was suffering from illness and adjournment was prayed for on that ground. On that day, the PW-1 was cross-examined before hearing of charges. For some reasons, the trial court did not find the prayer of the petitioner to be satisfactory and rejected the said prayer. Therefore, the accused petitioner filed the present criminal revision petition in this court challenging the said order on certain grounds.

During pendency of the said revision petition, this Court granted the stay order.

Today, after hearing the learned counsel for both sides, this court is of the opinion that the accused petitioner deserves to be given an opportunity to cross examine the PW-1 before hearing of charges. Therefore, the stay order dated 22.10.2024 passed in the connected Criminal Revision Petition No. 417/2024 is vacated.

As the next date of the case in the trial court is fixed on 20.11.2024, the trial court is directed to give one opportunity to the accused petitioner to cross-examine the PW-1 before

hearing of charges on that day.

The trial court further directed to dispose of the entire case within a period of next 6 [six] months from the date of receiving of this order.
With the above, the IA(CrI) is disposed of.

JUDGE

Comparing Assistant