

GAHC010234952013



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

Case No. : Crl.Pet./770/2013

DANDI NATH CHOUDHURY
S/O LT. CHAKRADHAR CHOUDHURY R/O SANTIPUR, NEAR RAILWAY
GATE, P.O. SANTIPUR, P.S. BHARALU MUKH, DIST. KAMRUP METRO,
ASSAM.

VERSUS

THE STATE OF ASSAM and ANR

2:DR. MRS STUTI DEKA
W/O SRI MUHIM CHANDRA DEKA R/O RUKMINIGAON
P.O. DISPUR
P.S. DISPUR
GUWAHATI DIST.KAMRUP METRO
ASSAM. PIN- 781...

Advocate for the Petitioner : MRD P SAHU, MR.B M CHOUDHURY,MR.P MAHANTA,MR.N DUTTA

Advocate for the Respondent : MS.M DEV, PP, ASSAM,MS.P DEB,MS.N DEB,MS.S BORA

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

29-08-2024

Heard Ms. C Das, learned counsel appearing on behalf of Mr. P Mahanta, learned counsel for the petitioner and Ms. S Jahan, learned Additional Public Prosecutor, Assam for the State

respondent No. 1. Also heard Ms. M Dev, learned counsel for the respondent No. 2.

2. The petitioner filed this criminal petition on 04.10.2013 aggrieved with the order dated 28.06.2013 passed by the learned Judicial Magistrate First Class, Kamrup (Metro), Guwahati in C.R. Case No. 1533^C/2013, whereby the learned Magistrate took cognizance of the offence under Sections 109/500/120(B)/34 IPC against the petitioner and five others, on the basis of a complaint lodged by the respondent No. 2 before the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati, wherein the petitioner was the accused No. 1.

3. The Court while issuing notice in this criminal petition on 07.10.2013 suspended the further proceeding of said C.R. Case No. 1533^C/2013 pending before the Court of the learned Judicial Magistrate First Class, Kamrup (Metro), Guwahati pertaining to the petitioner, which is still in force.

4. Ms. C Das, learned counsel has submitted that the petitioner expired on 04.05.2018 and to that extent, she has placed a copy of the Death Certificate of the petitioner issued by the Registrar (Birth and Death), Pandu F.R.U., Guwahati on 21.11.2020.

5. In view of the above, said C.R. Case No. 1533^C/2013 pending before the Court of the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati with regard to the present petitioner stands closed due to abatement.

6. Interim order passed earlier on 07.10.2013 in the present proceeding stands merged with this order.

JUDGE

Comparing Assistant