

GAHC010260992024



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

Case No. : Crl.Rev.P./495/2024

NIZAM UDDIN BHUYAN
S/O LT. JAHA BOXO BHUYAN
R/O VILL- KHUDRA NARIKOLA, P.S. ABHAYAPURI,
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
TO BE REP. BY THE LEARNED PP, ASSAM

2:ARJUFA BEGUM
W/O MONSER ALI
R/O VILL DOMURIA PAHARTOLI
P.S. ABHAYAPURI
DIST. BONGAIGAON
ASSA

Advocate for the Petitioner : MR. SURAJIT DAS, A S CHOUDHURY,SAMIM RAHMAN,MS
SURAYA RAHMAN,MR A W AMAN,MR SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 09.12.2024

Heard Mr. S. Nawaz, the learned counsel for the petitioner and also heard Mr. D.P.

Goswami, the learned Additional Public Prosecutor appearing on behalf of the State respondent.

2. This is a revision petition u/s 438 and 442 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for setting aside and quashing the impugned order dated 30.11.2024 in Special (P) Case No. 14(A) of 2019 passed by learned Special Judge, North Salmara, Abhayapuri.

3. It is submitted by Mr. Nawaz, learned counsel for the petitioner that it is a fact that on several occasions, the petitioner took adjournment when the case was listed for defence evidence. However, in one occasion a witness is present but due to some difficulty on the part of the Court the matter could not be taken and in one occasion for the adjournment prayed by the prosecution. However, one witness was finally examined on 17.08.2024 and thereafter he prayed to examine one more witness who is the wife of the present petitioner.

4. Prayer is allowed but, thereafter on four consecutive dates he again took adjournment due to some personal difficulty and accordingly the learned Special Judge passed the order on 30.11.2024 rejecting the prayer for adjournment and the defence evidence is closed and was fixed for argument.

5. Mr. Nawaz said that the case is fixed tomorrow for argument and the witness who was supposed to be examined is a very vital witness for the defence and she is the wife of the present petitioner. Accordingly, prayed that one more chance be given to adduce the evidence of DW and the petitioner is ready to produce the witness on 15.12.2024, the next date fixed.

6. Mr. Goswami, the learned Additional Public Prosecutor submitted that though the conduct of the petitioner is not satisfactory, however, one more chance be given to the petitioner to adduce one more defence evidence.

7. Hearing the submissions made by the learned counsel for both sides and on perusal of the case records and the annexures filed by the petitioner, it is seen that the conduct of the petitioner is not satisfactory and due to several adjournments, there is delay in disposal of the case registered under Section 8 of the POCSO Act. However, considering the submissions made by learned counsel for both sides and for the ends of justice, this Court is of the opinion that one more chance be given to the petitioner to adduce his defence evidence. As

case is fixed on 10.12.2024, the petitioner is hereby directed to produce the defence evidence on 10.12.2024 and the learned Special Judge shall accordingly record the evidence of defence.

- 8.** Prayer is allowed.
- 9.** With the above observations, this criminal revision petition stands disposed of.

JUDGE

Comparing Assistant