

GAHC010262262024



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

Case No. : Crl.Pet./1515/2024

MD. KAMRUL ISLAM CHAUDHURY
S/O LATE ABDUL KHALEQUE CHOUDHURY
R/O KOROIKANDI PART-II UNDER KATIGORAH POLICE STATION,
IN THE DISTRICT OF CACHAR, SILCHAR, ASSAM

VERSUS

MUSSTT. HAJERA BEGUM CHOUDHURY @ MUSSTT. HAZIRA KHATUN
D/O LATE MOBARAK ALI
R/O VILL- TELITIAR PART-II
UNDER KATIGORAH POLICE STATION IN THE DISTRICT OF CACHAR,
SILCHAR, ASSAM

Advocate for the Petitioner : MR. B M CHOUDHURY, MR. U CHOUDHURY

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

12.12.2024

Heard Mr. B M Choudhury, learned counsel for the petitioner.

This is an application filed under Section 528 of the BNSS, 2023 challenging the order dated 06.09.2024 passed by the learned Additional Sessions Judge, FTC, Cachar, Silchar in

Criminal Appeal No. 39/2023.

The petitioner is the appellant before the appellate court. He filed an application under Section 391 CrPC praying for asking the appellate court to examine some more witnesses. The appellate court passed a direction stating that the petition filed by the petitioner/appellant shall be considered at the time of disposal of the appeal itself.

I have considered the submission made by the learned counsel for the petitioner.

On plain reading of the impugned order, it appears that the learned appellate court failed to exercise judicial mind while passing the impugned order. The said petition should be disposed of before disposal of the appeal. Therefore, the impugned order dated 06.09.2024 passed by the learned Additional Sessions Judge, FTC, Cachar, Silchar in Criminal Appeal No. 39/2023 is set aside.

The appellate court is directed to consider and dispose of the Application No. 459/8 before disposal of the appeal.

With the above, the criminal petition stands disposed of.

JUDGE

Comparing Assistant