

GAHC010271542024



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

Case No. : Crl.Pet./1555/2024

SARANGA PANI DEVA SARMA AND ANR.
S/O DHARMESWAR SARMA
R/O MILAN NAGAR,
BARPETA ROAD,
WARD NO. 6, MOUZA- GOBARDHANA
P.S. BARPETA ROAD,
DIST. BARPETA, ASSAM,
PIN NO. 781313

2: SRI DHARMESWAR SARMA
S/O LATE LANGKESWAR SARMA
R/O MILAN NAGAR

BARPETA ROAD

WARD NO. 6
MOUZA GOBARDHANA
P.S. BARPETA ROAD

DIST. BARPETA
ASSAM
PIN-78131

VERSUS

BARASHA GOSWAMI
W/O SRI SARANGA PANI DEVA
SARMA,
D/O SRI GIRISH CHANDRA GOSWAMI
R/O GOBINDAPUR
MOUZA- PUB BAJALI
P.S. AND P.O. PATACHARKUCHI,
DIST. BAJALI/BARPETA, ASSAM
PIN NO. 781326

Advocate for the Petitioner : MR. R GOSWAMI, MS. U BHATTACHARYYA,MS S DAS,MS N DEVI

Advocate for the Respondent : ,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

19.12.2024

Heard Mr. R Goswami, learned counsel for the petitioners.

This is an application filed under Section 528 of the BNSS praying for quashing the order dated 26.11.2024 passed by the learned Judicial Magistrate 1st Class, Bajali, Pathsala in DV Case No. 02/2023.

The petitioner is the respondent no. 1 before the court below. On 26.11.2024, the case was posted for argument. On that day, the counsel for the respondent no. 1 filed an application stating that, earlier while he filed the evidence of the witnesses he filed Photostat copies of the relevant documents as Annexure 1 to 10 along with the said evidences. Therefore, the counsel prayed before the trial court that he should be given an opportunity to exhibit the original documents and to mark those as exhibits. The trial court refused the said prayer.

The reason for which the trial court disagreed with the prayer of the respondent no. 1 need not be mentioned in this order.

I have considered the submission made by the learned counsel for both sides.

This court is of the opinion that no prejudice would be caused to the other side if the original documents are allowed to be produced and marked as exhibits. Hence, the impugned order dated 26.11.2024 passed by the learned Judicial Magistrate 1st Class, Bajali, Pathsala in DV Case No. 02/2023 is set aside.

The trial court is directed to accept the original documents of the annexure filed earlier. Further, the trial court shall mark the original documents as exhibits. After accepting those original documents, the trial court shall proceed to dispose of the matter within a short period of time.

With the above, the criminal petition stands disposed of.

JUDGE

Comparing Assistant