

GAHC010295532023



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

Case No. : I.A.(Crl.)/1284/2023

RAMJEE CHAUDHURY
S/O LATE TOFANI CHAUDHURY
R/O BORDOLONG, NEPALI BASTI, P.O.KHARIKHANA
P.S. LANKA
DIST. HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:ASHOK KUMAR YADAV
S/O- LATE UDAY NARAYAN YADAV
R/O- RAILWAY COLONY
DIPHU
PS- DIPHU
PIN- 782460
DIST- KARBI ANGLONG
ASSAM
TEMP ADDRESS DIPHU JUDICIAL COURT CAMPUS
P.O- DIPHU
PIN- 782460
DIST- KARBI ANGLONG
ASSA

Advocate for the Petitioner : MR. R BORA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

08.02.2024

Heard Mr. R. Bora, learned counsel for the applicant and also heard Mr. S. Bora, learned counsel for the respondent No.2 and Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, appearing for the State respondent No.1.

This interlocutory application is preferred by the applicant, who is an accused in Diphu P.S. Case No.343/2021, corresponding to PRC Case No.112/2023, under Section 294/506 IPC, for staying further proceeding pending before the Court of learned Judicial Magistrate First Class, Karbi Anglong at Diphu.

Mr. Bora, learned counsel for the applicant submits that the applicant is a practicing lawyer of Diphu and Hamren Court and that a bare perusal of the FIR, it cannot be said that the offence under Section 294 IPC are made out against the present applicant and till receipt of the record, which has already been called for from the learned Court below, further proceeding of the Diphu P.S. Case No.343/2021, corresponding to PRC Case No.112/2023, pending before the Court of learned Judicial Magistrate First Class, Karbi Anglong at Diphu, may be stayed, otherwise the learned Court below may issue NBWA against him and the date of appearance has already been fixed.

On the other hand, Mr. S. Bora, learned counsel for the respondent No.2 submits that entire matter may be heard and disposed of finally and that the present case is not covered by the decisions of Hon'ble Supreme Court in **State of Haryana & Ors. Vs. Bhajan Lal & Ors.** reported in **1992 Supp (1) SCC 335** and in **M/s Neeharika Infrastructure Private Limited Vs. State of Maharashtra & Ors.** reported in **(2021) 19 SCC 401**, for granting stay.

The submission of learned Advocates of both sides, received due consideration of this Court. But, as record of the learned Court below is not available before this Court and

as the applicant is a practicing lawyer of Diphu and Hamren Court, this Court is inclined to stay further proceeding of the Diphu P.S. Case No.343/2021, corresponding to PRC Case No.112/2023, under Section 294 IPC, pending before the Court of learned Judicial Magistrate First Class, Karbi Anglong at Diphu, till next date.

In terms of above, this I.A. stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant