

GAHC030003462023



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

Case No. : I.A.(Crl.)/35/2023

Md. Abdul Muktedir
Aizawl

VERSUS

Sh. Akshat Jhunhunwala
S/o PJ Jhunhunwala (L)

Advocate for the Petitioner : Mr. Nozrul Islam Choudhury

Advocate for the Respondent : Mr. J H Ramneihmawia

Linked Case : Crl.A./30/2023

Md Abdul Muktedir
C/o Renghnuna
R/o House No. D/K-14C Dinthar-1 Aizawl Mizoram

VERSUS

Shri Akshat Jhunhunwala
S/o (L) PK Jhunhunwala
Office of the Umadutt Industries Ltd.

Near Dyna Roof Pvt Ltd. Anil Plaza
5th floor

GS Road
near ABC Bhanghagarh

Guwahati-781005

Advocate for the Petitioner : Mr. Nozrul Islam Choudhury
Advocate for the Respondent : Mr. J H Ramneihmawia

**BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG
ORDER**

Date : 06-12-2024

Heard Mr. David Malsawmkima, learned counsel for the applicant along with Mr. K. Paul, learned Senior counsel for the respondent assisted by Mr. JH. Ramthanmawia.

The learned Senior counsel submits that the instant I.A. is not maintainable, since the provisions u/s 378(4) and 378(5) of the CrPC has not been followed. He submits that as per Section 378(4) of the CrPC, an application is to be made seeking the permission of this Court to file an appeal against the acquittal of the respondent.

The learned counsel for the applicant/appellant submits that he may be allowed to withdraw the instant I.A. along with the Criminal Appeal by admitting that the necessary procedure/steps provided u/s 378(4) and 378(5) of the CrPC have not been followed in the instant case. He prayed that he may be allowed to withdraw the instant I.A. along with the Criminal Appeal for taking necessary steps and to file afresh, if so advised.

Having heard the submissions made by the learned counsels both the parties, this Court find it fit to allow the applicant/appellant to withdraw the instant I.A.(Crl.) No. 35/2023 and the connected Criminal Appeal No. 30/2023 with a permission to file afresh, if so advised.

Accordingly, I.A.(Crl.) No. 35/2023 along with the connected Criminal Appeal No. 30/2023 stands disposed of as above on withdrawal.

JUDGE

Comparing Assistant