

GAHC020000112023



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

Case No. : CRL.REVN/3/2023

MR. SUBHKARAN JAIN
MANAGING DIRECTOR,
M/S ROLJACK ASIA LTD., ROAD NO.1, II-D CENTRE,
RIICO INDUSTRIAL AREA, KALADWAS,
UDAIPUR - 313001, RAJASTHAN

VERSUS

SHRI. KHESANGMONG YIMCHUNGER
S/O S. KIUSUMEW YIMCHUNGER, R/O H/NO.115, TSUWONG WARD,
PUNGRO, KIPHIRE - 798611,
NAGALAND

Advocate for the Petitioner :

Advocate for the Respondent : PAKINRICHAPBO

Linked Case : I.A.(Crl.)/6/2024

SHRI KHESANGMONG YIMCHUNGER
S/O S. KIUSUMEW YIMCHUNGER
R/O H/NO. 115
TSUWONG WARD
PUNGRO
KIPHIRE-789611
NAGALAND

VERSUS

MR. SUBHKARAN JAIN
MANAGING DIRECTOR
M/S ROLJACK ASIA LTD
ROAD NO. 1
II-D CENTRE
RIICO INDUSTRIAL AREA
KALADWAS
UDAIPUR-313001
RAJASTHAN

Advocate for : PAKINRICHAPBO
Advocate for : appearing for MR. SUBHKARAN JAIN

Linked Case : I.A.(Crl.)/9/2024

SHRI KHESANGMONG YIMCHUNGER
S/O S. KIUSUMEW YIMCHUNGER
R/O H/NO.115
TSUWONG WARD
PUNGRO
KIPHIRE - 798611
NAGALAND

VERSUS

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MANAGING DIRECTOR
M/S ROLJACK ASIA LTD.
ROAD NO.1
II-D CENTRE
RIICO INDUSTRIAL AREA
KALADWAS
UDAIPUR - 313001
RAJASTHAN

Advocate for : R L EZONG
Advocate for : appearing for MR. SUBHKARAN JAIN

Linked Case : I.A.(CrI.)/15/2024

SHRI KHESANGMONG YIMCHUNGER
S/O S.KIUSUMEW YIMCHUNGER
R/O H.NO. 115
TSUWONG WARD
PUNGRO
KIPHIRE-798611
NAGALAND

VERSUS

MR. SUBHKARAN JAIN
MANAGING DIRECTOR
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ROAD NO. 1
II-D CENTRE
RIICO INDUSTRIAL AREA
KALADWAS
UDAIPUR-313001
RAJASTHAN

Advocate for : PAKINRICHAPBO

Advocate for : PFOSEKHO PFOTTE appearing for MR. SUBHKARAN JAIN

**BEFORE
HON'BLE MR. JUSTICE KAKHETO SEMA**

ORDER

10.07.2024

Heard Mr. Pfosekho Pfotte, learned counsel for the petitioner and Mr. Pakinrichapbo, learned counsel for the sole respondent.

On 21.06.2024, this Court had passed the following order:

"At the outset Mr. Pfosekho Pfotte, learned counsel for the petitioner and Mr. Pakinrichapbo, learned counsel for the sole respondent has drawn the attention of this Court to the

joint affidavit filed by the petitioner and the respondent on 14.12.2023, which goes to show the parties have come to an amicable settlement to make the entire payment of the amount due along with interest amounting to Rs. 51,08,800/- (Rupees Fifty One Lakhs Eight Thousand Eight Hundred) to the respondent by issuing 5 (five) numbers of cheques in anticipation of the fund to be received by the petitioner Company. Despite the joint affidavit and the undertaking made, no amount has been paid to the respondent till date.

Mr. Pfosekho Pfotte, learned counsel submits that the petitioner is expecting some of the bills of the Company to be cleared by the Government within the next 2 (two) weeks and therefore, he prays for 2 (two) weeks' time to enable the petitioner to arrange the fund required.

*It is however, seen from the joint affidavit dated 14.12.2023 that the cheques which are posted could not be encashed since the petitioner did not have any fund in his account. Such being the position, the joint affidavit does not serve the purpose to persuade this Court to entertain the criminal revision petition. However, for the ends of justice in view of the submissions made by Mr. Pfosekho Pfotte, the matter stands adjourned for 2 (two) weeks to be listed again on **04.07.2024**.*

It is also made clear that if the petitioner does not come up with an amount which is acceptable to the respondent, Court may consider directing the personal appearance of Shri Manish Chittora before this Court."

On 04.07.25024, this Court had observed that Shri Manish

Chittora shall personally appear before this Court on 10.07.2024 and explain as to why the Order dated 21.06.2024 has not been complied with. It was further made clear that if the Order passed by this Court is not complied, this Court shall consider passing necessary orders including the dismissal of the present petition.

Today, when the matter is listed, Mr. Pfosekho Pfotte, learned counsel for the petitioner submits that Shri Manish Chittora, the General Manager of the petitioner's company is unable to appear before the Court nor the Order dated 21.06.2024, passed by this Court has been complied.

In view of the submission made by the learned counsel for the petitioner, this Court is of the considered view that no purpose will be served by keeping the petition pending. The CRL.REVN/3/2023 is accordingly dismissed.

In view of the order passed today, the learned Chief Judicial Magistrate, Kiphire, shall proceed with the trial of the Criminal Complaint No. 1/2022 in accordance with law.

Sd/-
JUDGE

Comparing Assistant