GAHC010117842026

2026:GAU-AS:8496

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

Case No. : Crl.Rev.P./312/2026

SARMILA ROY @ SHARMILA ROY,
DAUGHTER OF LATE RABINDRA CHANDRA ROY AND WIFE OF AMAR DUTTA, RESIDENT OF DHEKIAJULI, WARD NO.4, P.S. DHEKIAJULI, DISTRICT - SONITPUR, ASSAM, PIN - 784110.

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:SRI BISWAJIT SAHA
SON OF SRI PARIMAL SAHA
RESIDENT OF VILLAGE - MITHAM BANGALI
P.S. - DHEKIAJULI
DISTRICT - SONITPUR
ASSAM
PIN - 784110

Advocate for the Petitioner : MR. S C BISWAS, MR. MEHUL SHAH,MS. J GHOSH,MS A DAS,MS. S. CHANDA,MS. K L R YANTHAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 15.06.2026

1. Heard Mr. S. C. Biswas, learned counsel for the petitioners. Also heard Mr. K. K. Das, learned Additional Public Prosecutor for the State of Assam.

2. This is an application filed under Section 442 and 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023, challenging the order dated 25.03.2026, passed by the learned Judicial Magistrate First Class, Sonitpur, Tezpur in G. R. Case No.1048/2025, arising out of Dhekiajuli P.S. Case No.188/2025.

3. An object was stolen from the premises of the petitioner. She lodged an FIR before Police. Police filed the final report because the said stolen object was not recovered during investigation. After receipt of the final report, the Court below issued a notice to the present petitioner.

4. On the date fixed for her appearance, a member of the Tezpur Bar Association had passed away and no counsel appeared before the learned Trial Court. Thereafter, the Trial Court fixed a dated on 25.03.2026, which was not in the knowledge of the petitioner.

5. On 25.03.2026 when she failed to appear, the Court held that the petitioner was not willing to proceed with the matter and the final report was accordingly accepted. The petitioner submits that on the day when the Court was not functioning because of the death of the lawyer, the Court fixed the matter on a particular date and she did not have the knowledge about that date.

6. Considering the aforesaid facts, the impugned order is set aside.

7. The Trial Court is directed to hear the petitioner before proceeding further of the matter. After hearing the petitioner, the Trial Court shall pass the necessary order.

8. With the aforesaid direction, this criminal revision petition stands disposed of.

JUDGE

Comparing Assistant