GAHC010035512026

2026:GAU-AS:17409-DB

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

Case No. : I.A.(Crl.)/169/2026

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VERSUS

IN RE- M.U. MAHMUD
ADVOCATE, HOUSE NO. 73, AKHERA MANZIL, HEDAYATPUR, GUWAHATI-781003

Advocate for the Petitioner : MR. T J MAHANTA, SR. ADV. (SC, GHC),

Advocate for the Respondent : MR A DASGUPTA, V KHAKHALARY

Linked Case : Crl.A./380/2023

UTTAM MONDAL
S/O AMULYA MANDAL

VILL.- PAKRIGURI
P.S.- BIJNI
DIST.- CHIRANG
BTC
ASSAM
PIN- 783390.

VERSUS

THE STATE OF ASSAM AND ANR.
REP. BY THE P.P.
ASSAM.

2:PURNA ARJYA
S/O LATE DUKHLAL ARJYA

VILL.- NO. 2 CHATIANGURI
P.S.- BIJNI
DIST.- CHIRANG
BTC
ASSAM
PIN- 783390.

Advocate for : MR. A M AHMED
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR.

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
HONOURABLE MR. JUSTICE NCHUMBEMO MOZHUI

ORDER

Date : 25/11/2026
(Michael Zothankhuma, J)

1. Heard Mr. T.J. Mahanta, learned senior counsel assisted by Mr. T. Gogoi, learned counsel appearing for the High Court. Also heard Mr. A. Dasgupta, learned Senior Counsel assisted by Mr. A.R. Das, learned counsel for the respondent.

2. The present I.A. has been registered against the respondent, on account of the repeated assertion of the respondent, who is an advocate, that he was not misleading the Court despite facts available on record, being contrary to what had been pleaded. The respondent had taken a plea that the appellant in Criminal Appeal 380/2023 had married the victim and despite this

Court having repeatedly informed the respondent that the facts were to the contrary, the respondent continued with his wrong submission. It was on this score that the present application had been registered against the respondent's counsel.

3. Mr. A. Dasgupta, the learned Senior Counsel for the respondent, submits that the respondent had made an unintentional mistake and that there was no attempt to falsely mislead this Court. He submits that at the time of drafting the said application for bail / suspension of sentence, the respondent had been influenced by some orders passed by the Hon'ble Supreme Court involving Section 6 of the POCSO Act, one of which was *K. Dhandapani vs. the State* in Criminal Appeal No. 796/2022, arising out of SLP (Criminal) No. 9698/2019, wherein the accused therein had married the victim. The Senior Counsel submits that it was due to his unintentional mis-appreciation of facts and an error of judgment that he had made a wrong submission. Accordingly, he tenders his unconditional apology and repents his action.

4. On considering the affidavit dated 23/11/2026 submitted by the respondent, we are of the view that as an unconditional apology has been submitted by the respondent, the matter should be closed.

5. The I.A. is accordingly closed as the apology of the respondent is accepted.

JUDGE **JUDGE**

Comparing Assistant