GAHC010116152026

2026:GAU-AS:16139

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

Case No. : I.A.(Crl.)/675/2026

CHANDRA BHANU BEHURA
SO NARAYAN CH BEHURA, RO ASEB COLONY, PS NOONMATI, GHY 781026, DIST KAMRUP METRO, ASSAM

VERSUS

JAYANTA DAS
RO MAHADEV DAS, RO KENDUGURI, NARENGI, PS NOONMATI, GHY 781020, DIST KAMRUP M, ASSAM

Advocate for the Petitioner : MR T MAZUMDAR, B SAHA,S J KALITA,MR D DAS,MR B P SARMAH,MR. R HAZARIKA,MR. C CHAKRAVARTY,MR. S SARMA,MR S.SARMAH

Advocate for the Respondent : ,

Linked Case : Crl.Rev.P./116/2025

CHANDRA BHANU BEHURA
S/O NARAYAN CH. BEHRA
R/O ASEB COLONY
P.S. NOONMATI
GUWAHATI-781026
DIST. KAMRUP (M)
ASSAM

VERSUS

JAYANTA DAS
S/O MAHADEV DAS
R/O KENDUGIRI NARENGI
P.S. NOONMATI

GUWAHATI-20
DIST. KAMRUP (METRO)
ASSAM PH.NO. 70024-74413

Advocate for : MR T MAZUMDAR
Advocate for : MR. B BORAH appearing for JAYANTA DAS

BEFORE

HON'BLE MRS. JUSTICE MITALI THAKURIA

ORDER

04-11-2026

Heard Mr. C. Chakravarty, learned counsel for the applicant/petitioner and Mr. B. Borah, learned counsel appearing for the sole respondent/opposite party.

2. This is an application filed under Section 528 BNSS to recall the order dated 13.05.2026, passed in the connected Crl. Rev. P. No. 116/2025 for restoring the petition, whereby the said Crl. Rev. P. was dismissed for default vide order dated 13.05.2026.

3. It is submitted by Mr. Chakravarty, learned counsel that the present petitioner was represented by another counsel on each and every date. But on two occasions, the petitioner remained unrepresented, as the earlier engaged counsel was out of station and he also furnished some tickets to show that the previous engaged counsel was out of station on those two relevant dates.

4. Mr. Chakravarty, learned counsel further submitted that the case was dismissed for default only considering the absence of the learned counsel for the petitioner on two occasions without any fault on the part of the petitioner as he entrusted his counsel to represent him before this Court on each and every date.

5. He further submitted that after dismissal of the revision petition, the learned Trial Court had issued NBWA against the present petitioner and on the basis of which,

he got arrested on 27.07.2026 and at present he is behind the bars.

6. So considering all these aspects of the case, the connected Crl. Rev. P. No. 116/2025 may be restored to it its original file.

7. Mr. Borah, learned counsel for the sole respondent submitted that the petitioner had already in jail hazot for a considerable period and the remaining period of sentence may be suspended, if he pays the compensation amount of Rs.9,50,000/-. He further submitted that he has no objection if the connected Crl. Rev. P. No. 116/2025 is restored to its original filed.

8. Heard the submissions made by the learned counsel for both sides. It is seen that for absence of the counsel for the petitioner in two consecutives dates, the connected Crl. Rev. P. No. 116/2025 was dismissed, but from the submission made by the learned counsel for the petitioner, it reveals that it was due to fault on the part of the counsel, who did not represent the petitioner on those two consecutive dates.

9. Considering all these aspects of the case, this Court is of the opinion that a chance may be given to the petitioner to proceed with the connected Crl. Rev. P. No. 116/2025 for the ends of justice.

10. Accordingly, the order dated 13.05.2026, passed in the connected Crl. Rev. P. No. 116/2025, dismissing the said criminal revision petition is hereby recalled and the connected Crl. Rev. P. No. 116/2025 is restored to its original file.

11. Registry is directed to do the needful in that regard.

12. Both the parties are hereby directed to appear in connection with the Crl. Rev. P. No. 116/2025 on **17.11.2026**.

JUDGE

Comparing Assistant