

GAHC010066382024



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

Case No. : I.A.(CrI.)/312/2024

MUNNA SARMA,
S/O SRI BOLIN SARMA
R/O DHEMAJI
P.O. MACHKHOWA
P.S. AND DIST. DHEMAJI, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:SMTI. RISHA BORTHAKUR
D/O PRASHANTA BORTHAKUR R/O MURPHULANI BAGAN GAON P.S.
BOGIJAN DIST. GOLAGHAT
ASSA

Advocate for the Petitioner : MR. P K GOGOI

Advocate for the Respondent : PP, ASSAM

Linked Case : CrI.Rev.P./81/2024

MUNNA SARMA
S/O SRI BOLIN SARMA
R/O DHEMAJI
P.O. MACHKHOWA
P.S. AND DIST. DHEMAJI
ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
TO BE REP. BY THE PP
ASSAM

2:SMTI. RISHA BORTHAKUR
D/O PRASHANTA BORTHAKUR
R/O MURPHULANI BAGAN GAON
P.S. BOGIJAN
DIST. GOLAGHAT
ASSAM

Advocate for : MR. P K GOGOI

Advocate for : PP

ASSAM appearing for THE STATE OF ASSAM AND ANR

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

09.04.2024

Heard Mr. P. K. Gogoi, learned counsel of the applicant. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor representing the State respondent.

Also perused the order dated 06.03.2024, passed in CrI.Rev.P. No.81/2024 as well as in connected I.A.(CrI.) No. 224/2024.

This interlocutory application has been filed for making necessary correction in the order dated 06.03.2024, passed in CrI.Rev.P. No.81/2024, wherein, in the second paragraph of the order, it has been noted, that “learned Chief Judicial Magistrate, Jorhat” instead of “learned Additional Chief Judicial Magistrate, Jorhat”. And in the connected I.A.(CrI.) No. 224/2024, wherein, in the third and fifth paragraphs of the order, it has been also noted that learned Chief Judicial Magistrate, Jorhat” instead of “learned

Additional Chief Judicial Magistrate, Jorhat”, respectively.

It is submitted by the learned counsel for the petitioner that the concerned Court is learned Additional Chief Judicial Magistrate; however, inadvertently the said Court was written as Chief Judicial Magistrate, Jorhat.

In view of above, this Interlocutory Application is allowed and the order, dated 06.03.2024, passed Crl.Rev.P. No.81/2024 as well as in connected I. A.(Crl.) No. 224/2024, stands corrected and modified to the extent indicated below:

Crl.Rev.P. No.81/2024; Para-2nd; *“This is an application filed under Section 397/401 of the Code of Criminal Procedure, 1973, challenging the impugned judgment and order dated 01.02.2024 passed by the learned Sessions Judge, Jorhat in Criminal Appeal Case No. 03/2023, whereby upheld and confirmed the judgment and order of conviction and sentence dated 07.01.2023 passed by the **learned Additional Chief Judicial Magistrate, Jorhat**, Assam in PRC Case No. 224/2018.”*

I.A.(Crl.) No. 224/2024; Para-3rd; *“It is submitted by the learned counsel for the applicant, Mr. Gogoi that a connected revision petition has already been filed against the judgment and order dated 01.02.2024 passed by the learned Sessions Judge, Jorhat in Criminal Appeal Case No.03/2023, whereby upheld and confirmed the judgment and order of conviction and sentence dated 07.01.2023 passed by the **learned Additional Chief Judicial Magistrate, Jorhat** in PRC Case No.224/2018, wherein, the applicant was convicted under Section 354 (D) of IPC and sentenced him to undergo R.I for 1(one) year and also to pay a fine of Rs. 5,000/- (Rupees Five thousand) only and in default of payment to suffer S.I for another 2(two) months. The petitioner is further sentenced to pay another fine of*

Rs. 2,000/- (Rupees two thousand) only under Section 506 of IPC and in default of payment to suffer S.I. for another 1 (one) month.

Para-5th; *Considering the submissions of learned counsels of both sides and also considering the facts and circumstances on the record and the grounds taken in the revision petition, I find it appropriate to allow this interlocutory application. Accordingly, the operation of the impugned judgment and order dated 01.02.2024 passed by the learned Sessions Judge, Jorhat in Criminal Appeal Case No.03/2023, whereby upheld and confirmed the judgment and order of conviction and sentence dated 07.01.2023 passed by the **learned Additional Chief Judicial Magistrate, Jorhat** in PRC Case No.224/2018, wherein, the applicant was convicted under Section 354 (D) of IPC and sentenced him to undergo R.I for 1(one) year and also to pay a fine of Rs. 5,000/- (Rupees Five thousand) only and in default of payment to suffer S.I for another 2(two) months and the sentenced to pay another fine of Rs. 2,000/- (Rupees two thousand) only under Section 506 of IPC and in default of payment to suffer S.I. for another 1 (one) month, stands stayed/suspended till disposal of the revision petition, being Criminal Revision petition No.81/2024.”*

This order passed in the Interlocutory Application may be treated to be a part of the order dated 06.03.2024.

In terms of above, this interlocutory application stands disposed of.

JUDGE

Comparing Assistant