GAHC010161602026

2026:GAU-AS:15634

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

Case No. : Crl.A./338/2026

SIHAB UDDIN
SON OF ABDUL MANNAN
RESIDENT OF BARKATPUR
P.S.- SRIBHUMI, PIN- 788711
DISTRICT- SRIBHUMI, ASSAM
MOBILE NO. 6026776340

VERSUS

RENU MIA AND 3 ORS.
SON OF ILAS ALI

2:ARIF UDDIN
SON OF RENU MIA

3:SABUL AHMED
SON OF LATE SIDDIQUE ALI
ALL ARE RESIDENTS OFVILLAGE- NATHUPUR
P.O.- BARKATPUR
P.S.- SRIBHUMI
PIN- 788711
DISTRCT- SRIBHUMI
ASSAM

4:THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSA

Advocate for the Petitioner : MS. K L R YANTHAN, MR. S ALIM,MR. M H ANSARI

Advocate for the Respondent : ,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 14.10.2026

Heard S. Alim the learned counsel for the appellant and Ms. S. H. Borah, the learned Addl. Public Prosecutor for the State representing respondent no. 4.

2. This is a criminal appeal filed under Section 413 of the BNSS, by the informant challenging the Judgment and Order dated 18.05.2026, passed by the Chief Judicial Magistrate, Sribhumi in P.R.C No. 237/2022, by which the respondent nos. 1, 2 & 3 were acquitted from the charges under Section 323/325/34, IPC.

3. It is seen that the judgment and order sought to be challenged in the present appeal was passed by the Chief Judicial Magistrate, Sribhumi and as per Section 413 of the BNS, it is provided that the victim shall have a right to prefer an appeal against any order passed by the Court acquitting the accused and such appeal shall lie to the Court to which an appeal ordinarily lies against the order of conviction of such court. It is noticed that had the accused persons being convicted by the chief Judicial Magistrate, they would have a right to appeal against the conviction before the Sessions Court and the same analogy be applied to a case where they are acquitted. As such, the victim, i.e., the appellant herein has a right to file an appeal against the order of the Chief Judicial Magistrate before the Sessions Judge, as provided under Section 415 (2) of the BNSS, 2023. As such, this Court directs that the appellant has the liberty to file the appeal before the concerned court. Further since the petitioner has

filed the appeal before the High Court and time has been consumed in the same due to which if any delay appears then the concerned court would condone the same as per law.

4. The petition is disposed of.

JUDGE

Comparing Assistant