GAHC010221132026

2026:GAU-AS:15756

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

Case No. : Crl.Rev.P./542/2026

AKTAR HUSSAIN PRODHANI
S/O- ABDUL HUSSAIN PRODHANI R/O OF VILL. - GARAIMARI PART-1MURALI GHAT P.S- GAURIPUR, P.O.-GARAIMARI DISTRICT- DHUBR, ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR
TO BE REPRESENTED BY THE LEARNED PUBLIC PROSECUTOR, ASSAM

2:RANJANA KHATUN
D/O- ANSAR ALI R/O- CHAR JUGIPARA P.O. P.S- GAURIPUR DISTRICT- DHUBRI
ASSA

Advocate for the Petitioner : Mr M U Ahmed, MS. B SHAZIDA,MS. Y SULTANA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

15.10.2026

1. Heard Mr. M.U. Ahmed, learned counsel appearing for the petitioner. Also heard Ms. S.H. Borah, learned APP appearing for the State of Assam.

2. By this application filed under Sections 438 and 442 of the BNSS, 2023

corresponding to Sections 397, 401 and 482 of the CrPC the petitioner has prayed for setting aside and quashing the judgment and order dated 10.08.2026 passed by the learned Judicial Magistrate First Class, Dhubri, in CR(DV) Case No. 765/2024.

3. The petitioner seeks to challenge the aforesaid judgment and order whereby he has been restrained from committing any further act of domestic violence against the respondent. The petitioner has also been directed to pay house rent of Rs. 3,000/- per month to the respondent, monthly maintenance of Rs. 4,500/- to the respondent and Rs. 1,500/- towards the maintenance of the minor child. Further, the petitioner has been directed to pay one-time compensation of Rs. 20,000/- to the respondent. However, it is seen that the instant application has been filed by the petitioner challenging the order passed by the learned Judicial Magistrate First Class, Dhubri whereas an appeal against the said order lies before the learned District and Sessions Judge.

4. The learned counsel appearing for the petitioner also prays for liberty to file an appropriate application before the competent court.

5. The prayer is allowed.

6. It is further observed that the delay occasioned by the filing of the present application before this Court may be condoned by the competent court subject to an appropriate application being filed by the petitioner and consideration thereof in accordance with law.

7. The matter stands closed.

JUDGE

Comparing Assistant