

GAHC010098572026



2026:GAU-AS:10666

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

Case No. : Crl.Pet./1073/2026

LUIT VALLEY ENTERPRISE PVT LTD AND 2 ORS.
RANU SINGH ROAD, PO AND PS TEZPUR, DIST SONITPUR, ASSAM

2: SRI PRATIM GOSWAMI
DIRECTOR OF LUIT VALLEY ENTERPRISE PVT LTD
S/O LATE DURGADHAR GOSWAMI
RO DADHARA
NEAR RUPAM PETROLEUM
PO AND PS TEZPUR
DIST SONITPUR
ASSAM

3: SRI RUPAM GOSWAMI
DIRECTOR OF LUIT VALLEY ENTERPRISE PVT LTD
S/O LATE DURGADHAR GOSWAMI
RO DADHARA
NEAR RUPAM PETROLEUM
PO AND PS TEZPUR
DIST SONITPUR
ASSA

VERSUS

SRI OVELASH DEBNATH
SO LT BIRENDRA KUMAR DEBNATH, RO GOTLONG, OPPOSITE ALL INDIA
RADIO STATION, PS TEZPUR, PO KALIABHOMORA, DIST SONITPUR,
ASSAM, PIN CODE 784001

Advocate for the Petitioner : MR. R DE, MS. D PATHAK

Advocate for the Respondent : ,

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER**

03.08.2026

Heard Mr. R. De, learned counsel for the petitioners.

2. This petition, under Section 528 of the BNSS, is preferred by the petitioners challenging the order dated 27.08.2024, passed by the learned Judicial Magistrate First Class, Sonitpur at Tezpur (trial court hereinafter), in NI Case No. 43/2013.

3. It is to be noted here that vide impugned order dated 27.08.2024, the learned trial court had closed the evidence of the official witnesses of the petitioners and fixed the case for argument.

4. Mr. De, learned counsel for the petitioners, submits that the petitioners are the accused in NI Case No. 43/2013 and the said case was pending at the stage of evidence of the defence witnesses. But, on 27.08.2024, the petitioners herein could not produce the witnesses before the learned trial court and therefore, the engaged counsel prayed for another date for adducing evidence of the official witnesses. But, considering the objection, being raised by the complainant side, the respondent herein, the learned trial court had rejected the prayer of the petitioners herein and closed the defence evidence and fixed the case on 10.09.2024, for argument.

4.1. Mr. De further submits that, thereafter, the petitioners herein had preferred one criminal revision petition, before the learned Additional Sessions Judge (FTC), Sonitpur at Tezpur (revisional court hereinafter), being Criminal Revision Case No. 29/2024. But, the said petition also came to be dismissed on

16.12.2025, on the ground that the petitioners herein had already availed several adjournments.

4.2. Mr. De also submits that not only the petitioners, but the respondent herein also had availed several adjournments and due to the fault of the engaged counsel for the petitioners, the witnesses could not be produced on 27.08.2024 and that unless an opportunity is afforded to the petitioners to adduce the evidence of the official witnesses they will suffer serious prejudice and on such count, their right to fair trial will be violated. Therefore, Mr. De has contended to allow this petition by setting aside the impugned order, dated 27.08.2024.

5. Having heard the submissions of learned counsel for both the parties, this Court has carefully gone through the petition as well as the documents placed on record and also gone through the impugned order, dated 27.08.2024, passed by the learned trial court and also the judgment dated 16.12.2025, passed by the learned revisional court.

6. It is well settled that right to fair trial is a fundamental right and as such, the petitioners herein are entitled to get fair opportunity to defend their own case. Otherwise, they will suffer serious prejudice.

7. Having considered above and also considering the facts and circumstances on the record, this Court is inclined to allow this petition by setting aside the order dated 27.08.2024, passed by the learned trial court and also the judgment dated 16.12.2025, passed by the learned revisional court.

7.1. Further, it is provided that the learned trial court shall afford one last opportunity to the petitioners herein to adduce the evidence of the official witnesses and thereafter, the learned trial court shall proceed to hear the

argument and dispose of the case in accordance with law.

8. The petitioners herein shall appear before the learned trial court on or before 24.08.2026.

9. In terms of above, this criminal petition stands disposed of, at this motion stage itself.

Comparing Assistant

JUDGE