

**IN THE GAUHATI HIGH COURT
(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM & ARUNACHAL PRADESH)**

ITANAGAR PERMANENT BENCH

Crl.Ptn.116(AP)2018

Shri Jango Halai,

S/o. Lt. S. Halai
A resident of Tezu
(Near Higher Secondary School),
Tezu P.O/P.S.: Tezu,
District: Lohit, Arunachal Pradesh.

.....Petitioner

-VERSUS-

- 1.** The State of Arunachal Pradesh
represented by the Public Prosecutor.
- 2.** Lady Sub Inspector, Nich Rupa(Informant)
Presently posted at Women Police Station
Itanagar, P.O.: Itanagar, District: Papum Pare,
Arunachal Pradesh

.....Respondents

By Advocates:

For the **petitioner:**

C.W. Mantaw

For the **respondents:**

Public Prosecution

::BEFORE::

THE HON'BLE MR. JUSTICE NELSON SAILO

Date of hearing : **03.10.2018**

Date of Judgment : **05.10.2018**

JUDGMENT & ORDER (CAV)

Heard Mr. CW Mantaw, the learned counsel for the petitioner and Mr. N. Lowang the learned Sr. Govt. Advocate appearing for the State of Arunachal Pradesh.

The petitioner Shri. Jango Halai has filed the instant criminal petition under Section 482 read with Section 483 of the Cr.P.C praying for the following direction:

- (i). The impugned remand Orders dated 06/08/2018, 13/08/2018, 27/08/2018, 12/09/2018 and 27/09/2018 passed by the learned JMFC, Yupia in G.R. Case No. 442/18 corresponding to Tezu P.S. Case No. 22/2018 U/Ss. 120(B)/147/148/149/452/353/302 IPC r/w Section 3 of the PDPP Act and any further remand Orders/s if any and other incidental Orders/s in the case at hand may also be set aside and quashed.*
- (ii). The case record be directed to be sent to the Ld. JMFC, at Tezu within whose local jurisdiction the offence was alleged to have been committed for the purpose of further remand if any and for other related purpose etc.*
- (iii). That any other appropriate Order/s may also be passed in the facts and circumstances of the case and in the interest of justice.*

This Court vide common judgment and order dated 05.10.2018 in Criminal Revision Petition No. 10(AP)2018, has consider the issue raised by the petitioner. Therefore, Court is of the considered opinion that a complete decision in the present case will not be required. In other words the judgment and order dated 05.10.2018 passed in Criminal Revision Petition No. 10 (AP)2018, shall cover the present case.

While allowing the criminal petition of the petitioner, the impugned remand order passed by the learned Judicial Magistrate first class, Yupia in GR. Case No. 442/2018 are not interfered with but however, henceforth, any remand to be made in connection with GR. Case No. 442/2018 shall be made by the Judicial Magistrate having jurisdiction in the matter.

The Criminal Petition accordingly stands **disposed of**.

JUDGE

Victoria