

GAHC030005742026



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

Case No. : Crl.Pet./23/2026

Sh. Robert Romawia Royte
S/o Thanthuama Royte (L)
R/o H.No - M-2/21
Chhinga Veng
Aizawl, Mizoram
Landmark - NECS, TT Royte
Pin Code - 796 001

VERSUS

State of Mizoram
R/b the Special Public Prosecutor
Mizoram Lok Ayukta
Gauhati High Court, Aizawl Bench
Landmark - KVI Building, MINECO
Khatla, - 796 001

Advocate for the Petitioner : Mr. Lalfakawma

Advocate for the Respondent : Mr C Lalfakzuala (Special PP)

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA
ORDER

24.08.2026

Heard Mr. Lalfakawma, learned counsel for the petitioner. Also heard Mr. C. Lalfakzuala, learned Special Public Prosecutor for the sole respondent.

2. By filing the present petition under Section 528 of the Bharatiya Nagarik

Suraksha Sanhita (BNSS), 2023, the petitioner has challenged the Order dated 24.06.2026 passed by the learned Special Judge, Prevention of Corruption Act, 1988 Aizawl, in SR (PCA) No. 2 of 2026, whereby the learned Special Court has decided to proceed to the stage of framing of charge against the petitioner. The petitioner contends that he has been deprived of the opportunity to seek discharge under Section 250 of the BNSS before framing of charge.

3. It is submitted that although the learned Special Judge has recorded that prima facie case exists against the petitioner (A6) for framing charge against him for offence under Section 120B, 406, 409, 420 of IPC and under Section 11/13(2) read with Section 13(1)(a) & (b) of PC Act, 1988, no formal charge has yet been framed and the matter is fixed on 29.07.2026 for framing of charge.

4. The learned counsel for the petitioner further submits that in the meantime, the petitioner has filed discharge application before the learned Special Court under Section 250 of the BNSS seeking discharge, which is stated to be pending consideration and the next date is fixed on 25.08.2026.

5. This Court vide Order dated 06.08.2026 had stayed further proceedings before the learned Trial Court till the next date of listing.

6. An objection has been submitted on behalf of the respondent.

7. From the above, it appears that although the parties are said to be heard on the question of charge as reflected in the impugned order, no charge has yet

been framed and it also appears that no final decision as regards the provisions under which the charge is to be framed has been taken by the learned Trial Court and after filing of the discharge application on behalf of the petitioner, the matter has been fixed for consideration of the said application.

8. The learned counsel for the respondent submits that since the learned Trial Court has fixed the date for consideration of the discharge application, the same may be decided on merits.

9. It appears that since no final decision on the framing of charge has been taken, despite recording of a *prima facie* satisfaction in the impugned order, there appears to be no impediment in taking up the discharge application filed by the petitioner on merits.

10. Accordingly and as agreed to, this instant petition is disposed of with the direction to the learned Trial Court to decide the discharge application filed by the petitioner on merits after hearing the parties and without regard to the impugned order passed by it earlier.

11. Petition stands closed accordingly.

JUDGE

Comparing Assistant