

GAHC040013442023



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

Case No. : Crl.Petn./183/2023

Kananso Minin S/o Lt. P Minin, a resident of village Kamja, P.O/P.S Wakro, District Lohit, Arunachal Pradesh.

VERSUS

1. THE STATE OF AP (represented by the Public Prosecutor)
2:Smti Jujumai Towang, W/o Shri Kananso Minin, a resident of Tezu, P.O/P.S Tezu, District Lohit, Arunachal Pradesh.
Age: 0 Occupation

Advocates for the Petitioner : Chow Witho Mantaw
Manjushree Gogoi
Hage Chada
Hunseng Tungkhong

Advocates for the Respondents: P P of AP

BEFORE
HONBLE MR. JUSTICE NANI TAGIA

ORDER

Date : 04.10.2023

Heard Mr. Chow Witho Mantaw, learned counsel, assisted by Mr. Hunseng Tungkhong, and Mr. Gumthat Ingan, learned counsels, appearing on behalf of the petitioner. Also heard Ms. Laxmi Hage, learned Addl. P.P., Arunachal Pradesh, appearing on behalf of Respondent No. 1.

Mr. Jumgam Jini, learned counsel, submits that he has the instruction to appear on behalf of Respondent No. 2 though no *vakalatnama* executed by the Respondent No. 2 has been filed, by him.

This is a petition under Section 482 of the Code of Criminal Procedure, 1973, assailing the order, dated 20.09.2023, passed by the learned Chief Judicial Magistrate, Tezu, in IA No. 13/2018 in Maintenance Case No. 07/2017[Smti. Jujumai Towang v. Kananso Minin], whereby, a Non-Bailable Warrant of Arrest(NBWA) against the petitioner has been issued, fixing the Maintenance Case No. 07/2017, on 13th of October, 2023.

Also put to challenge is the order, dated 20.09.2023, passed by the learned Chief Judicial Magistrate, Tezu, in Maintenance Case No. 07/2017[Smti. Jujumai Towang v. Kananso Minin], whereby, the aforesaid Maintenance Case No. 07/2017 has been fixed on 13th of October, 2023, for report and necessary order.

Though the order, dated 20.09.2023, passed by the learned Chief Judicial Magistrate, Tezu, in IA No. 13/2018 in Maintenance Case No. 07/2017[Smti. Jujumai Towang v. Kananso Minin], issuing the Non-Bailable Warrant of Arrest(NBWA) against the petitioner for production, on 13th of October, 2023, has been challenged by the petitioner, contending that the aforesaid order, dated 20.09.2023, passed by the learned Chief Judicial Magistrate, Tezu, in IA No. 13/2018 in Maintenance Case No. 07/2017, is not in accordance with law, yet, Mr. Mantaw, learned counsel for the petitioner, submits that the petitioner, herein, is ready and willing to appear before the Court of the learned Chief Judicial Magistrate, Tezu, on 13th of October, 2023, to

contest the Maintenance Case No. 07/2017, filed by the Respondent No. 2.

Ms. Hage, learned Addl. P.P., Arunachal Pradesh, representing the Respondent No. 1, and Mr. Jini, learned counsel representing the Respondent No. 2; on the other hand, submit that if the petitioner is ready to appear before the Court of the learned Chief Judicial Magistrate, Tezu, on 13th of October, 2023, in connection with Maintenance Case No. 07/2017[Smti. Jujumai Towang v. Kananso Minin], as directed vide order, dated 20.09.2023; this criminal petition may be disposed of by directing the petitioner to appear before the Court of the learned Chief Judicial Magistrate, Tezu, on 13th of October, 2023, in connection with Maintenance Case No. 07/2017[Smti. Jujumai Towang v. Kananso Minin], whereafter, the learned Chief Judicial Magistrate, Tezu, may pass an appropriate order in the aforesaid Maintenance Case No. 07/2017, in accordance with law.

Having heard the learned counsels appearing for the parties, more particularly, taking into consideration the submission of Mr. Mantaw, learned counsel for the petitioner, that the petitioner shall appear before the Court of the learned Chief Judicial Magistrate, Tezu, on 13th of October, 2023, in connection with Maintenance Case No. 07/2017[Smti. Jujumai Towang v. Kananso Minin], without fail; this criminal petition filed under Section 482 of the Code of Criminal Procedure, 1973, is hereby disposed of by directing the petitioner to appear before the Court of the learned Chief Judicial Magistrate, Tezu, on 13th of October, 2023, in connection with Maintenance Case No. 07/2017[Smti. Jujumai Towang v. Kananso Minin], without fail, on which date; the learned Chief Judicial Magistrate, Tezu, may pass appropriate order in the aforesaid Maintenance Case No. 07/2017, in accordance with law.

Since the petitioner has undertaken to appear before the Court of the learned Chief Judicial Magistrate, Tezu, on 13th of October, 2023, in connection with Maintenance Case No. 07/2017[Smti. Jujumai Towang v. Kananso Minin], without fail, at 10.00 hrs.; the Non-Bailable Warrant of Arrest(NBWA) issued by the learned Chief Judicial Magistrate, Tezu, against the petitioner pursuant to the order, dated 20.09.2023, passed by the learned Chief Judicial Magistrate, Tezu, in IA No. 13/2018 in Maintenance Case No. 07/2017[Smti. Jujumai Towang v. Kananso Minin], shall not be given effect to till 13th of October, 2023.

In the event, the petitioner fails to appear before the Court of the learned Chief Judicial Magistrate, Tezu, on 13th of October, 2023, in connection with Maintenance Case No. 07/2017[Smti. Jujumai Towang v. Kananso Minin]; it shall be open for the learned Chief Judicial Magistrate, Tezu, to again issue the Non-Bailable Warrant of Arrest(NBWA) against the petitioner, in accordance with law.

With the above direction and observation; the criminal petition filed under Section 482 of the Code of Criminal Procedure, 1973, stands disposed of at the motion stage itself.

JUDGE

Comparing Assistant