

GAHC010225962023



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

Case No. : Crl.Pet./1087/2023

ABDUL RUF LASKAR @ ABDUL ROUF LASKAR
S/O LATE JUNAID ALI LASKAR
VILL- CHANDPUR PT. (V),
P.O. CHANDPUR,
P.S. BORKHOLA
DIST. CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP.BY THE PP, ASSAM

Advocate for the Petitioner : MR F A LASKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 05.10.2023

Heard Mr. F. A. Laskar, learned counsel for the petitioner. Also heard Ms. S. H. Bora, learned Additional Public Prosecutor for the State.

This appeal under Section 482 of the Code of Criminal Procedure, 1973, has

been filed by the petitioner, namely, Abdul Ruf Laskar @ Abdul Rouf Laskar, impugning the order dated 15.09.2023 passed by learned Special Judge, Assam in Special Case No. 01/2011, whereby non-bailable warrant of arrest was issued against the present petitioner.

Learned counsel for the petitioner has submitted that the present petitioner is facing a trial before the Court of learned Special Judge, Assam in Special Case No. 01/2011 as an accused and the said case was fixed on 15.09.2023.

Learned counsel for the petitioner has submitted that though the present petitioner was regularly appearing before the learned Trial Court, however, on 20.07.2023, the petitioner was unable to appear before the learned Trial Court and his counsel filed an application showing the cause of absence and same was allowed by the learned Trial Court.

It is further submitted that on 15.09.2023 due to communication gap with his counsel, the petitioner failed to appear before the learned Trial Court without taking steps and on that day, the learned Trial Court issued non-bailable warrant of arrest against him.

It is also submitted by the learned counsel for the petitioner that petitioner is ready to face trial and co-operate in his trial. It is also submitted that he may be allowed to appear before the learned Trial Court on the next date fixed i.e. on 09.11.2023 with some protection from this Court.

On the other hand, learned Additional Public Prosecutor submits that she has no objection if the present petitioner appears before the learned Trial Court and faces the trial.

Considering the submissions made by the learned counsel for the petitioner and considering the facts and circumstances of this case, the petitioner namely, Abdul Ruf Laskar @ Abdul Rouf Laskar is hereby directed to appear before the

learned Trial Court i.e., the Court of learned Special Judge, Assam on the next date fixed, i.e., 09.11.2023 and that day, he may seek necessary relief from the learned Trial Court including the relief of allowing him to remain on previous bail. If he makes such a prayer, the learned Trial Court shall consider the same according to law.

To facilitate the present petitioner to appear before the learned Trial Court on the next date fixed, the operation of the warrant of arrest issued against the present petitioner shall be kept in abeyance till 09.11.2023.

With this observation, this instant Criminal Petition is hereby disposed of.

JUDGE

Comparing Assistant