

GAHC010240462023



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

**Case No. : Crl.Pet./1149/2023**

DR REEMA BODO  
W/O. SRI HARI GOGOI,  
R/O. MEGHAMALLAR HOUSE,  
FLAT NO. 101, N.N BARUAH LANE,  
RUKMIMIGAON, P.S - DISPUR,  
DIST. KAMRUP (K), GUWAHATI-22

VERSUS

THE STATE OF ASSAM AND ANR.  
REPRESENTED BY PP, ASSAM.

2:SRI. PUSHPAJIT KUMAR DAS  
S/O. LT. SATISH CHANDRA  
R/O. SRIMANTAPUR  
WARD NO. 13  
P.S. DIST- BARPETA  
ASSAM  
PIN- 78130

**Advocate for the Petitioner : MR. S RANA**

**Advocate for the Respondent : PP, ASSAM**

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

**09.11.2023**

Heard Mr. S. Rana, learned counsel for the petitioner and Ms. A. Begum, learned Additional Public Prosecutor for the State respondent.

**2.** In this petition, under Section 482 of the Cr.P.C. read with Article 227 of the Constitution of India, the petitioner namely, Dr. Reema Bodo has put to challenge the correctness or otherwise of the order dated 06.10.2023, passed by the learned Addl. CJM, Barpeta in N.I. Case No. 72/2018.

**3.** It is to be noted here that vide order dated 06.10.2023, the learned court below has issued Non-Bailable Warrant of Arrest [NBWA] against the petitioner. It is also to be noted here that the petitioner is a serving Doctor at LGB Chest Hospital, Guwahati and she has been standing trial in N.I. Case No. 71/2018, pending before the court of learned Addl. CJM, Barpeta. The said case is pending for adducing defence evidence by the petitioner. But, the petitioner could not produce the witnesses before the learned court below and on 26.07.2023, the petitioner has filed a petition, being Petition No. 7225/2023, for granting another date for adducing defence evidence on the ground over illness. But, the learned court below vide order dated 26.07.2023, dismissed the petition and issued NBWA against the petitioner and against the said order the petitioner has preferred one Criminal Revision Petition, being Criminal Revision Petition No. 22/2023, before the learned Addl. Sessions Judge [FTC], Barpeta and the learned Addl. Sessions Judge [FTC], Barpeta vide order dated 30.09.2023, has set aside the impugned order dated 21.08.2023, and directed the petitioner to appear before the learned trial court within 7 days and to deposit the cost of Rs.

3,000/- as ordered by the learned Addl. Sessions Judge [FTC], Barpeta in Criminal Revision Petition No. 22/2023, and further directed the learned court below to make endeavor to record the defence evidence within 1 month.

**4.** Mr. Rana, learned counsel for the petitioner submits that as the petitioner has been serving as a Doctor at LGB Chest Hospital, Guwahati and she has not been granted leave on that day by the authority and as such, she could not appear before the learned court below within the time fixed i.e. 7 days, as directed by the learned Addl. Sessions Judge [FTC], Barpeta and therefore, it is contended to set aside the impugned order dated 06.10.2023, by allowing the petitioner to appear before the learned court below.

**5.** On the other hand, Ms. Begum, learned Addl. P.P. submits that the petitioner may be directed to appear before the learned court below.

**6.** Having heard the submissions of learned counsel for both the parties, I have carefully gone through the petition as well as the documents placed on record and also perused the impugned order dated 06.10.2023.

**7.** It appears that the petitioner could not appear before the learned court below as directed by the learned Addl. Sessions Judge [FTC], Barpeta vide order dated 30.09.2023, for which the learned trial court vide order dated 06.10.2023, has issued NBWA against the petitioner. It also appears from the record that the petitioner has applied for leave so to appear before the learned court below, but the said leave was not sanctioned by the authority, for which she could not appear before the learned court below, on the date fixed.

**8.** Having regards to above and also having regards to the submissions of learned counsel for both the parties, this Court is inclined to dispose of this petition, at this motion stage, by directing the petitioner to appear before the learned court below, within 10 days from today and to apply for regular bail or

to remain on previous bail and in the event of filing such an application, the learned court below shall consider the same in accordance with law.

**9.** Till appearance of the petitioner before the learned court below, the execution of NBWA against the petitioner, shall be kept in abeyance.

**10.** In terms of above, this Criminal Petition stands disposed of.

**JUDGE**

**Comparing Assistant**