

GAHC010269242023



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

Case No. : Crl.Pet./1258/2023

GOGOI DEORI @ PALLAB DEURI@RAJ KUMAR DEORI
S/O SHRI DHANESWAR DEORI
NEAR FCI, P.O. -784164, P.S.NARAYANPUR, DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. P J SAIKIA, SR. ADV

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 30.11.2023

Heard Mr. P. Bordoloi, learned counsel for the petitioner. Also heard Ms. S. H. Bora, learned Additional Public Prosecutor for the State.

This application under Section 482 of the Code of Criminal Procedure, 197, has been filed by the petitioner, namely, *Shri Gogoi Deori @ Pallab Deuri @ Raj Kumar Deori* impugning the order dated 29.08.2023 and subsequent orders passed by learned Additional Sessions Judge (FTC) Lakhimpur, North Lakhimpur in Special

(NDPS) Case No. 18/2023 whereby Non-bailable Warrant of Arrest was issued against the present petitioner.

Learned counsel for the petitioner has submitted that the petitioner is facing a trial before the learned Additional Sessions Judge (FTC) Lakhimpur, North Lakhimpur in Special (NDPS) Case No. 18/2023 and on 29.08.2023, the petitioner could not appear before the learned Trial Court due to medical reasons. It is further submitted that though the petitioner had engaged a counsel to defend him before the learned Trial Court, however, due to communication gap, the engaged counsel also failed to appear before the learned Trial Court on 29.08.2023 as a result of which learned Trial Court issued Non-bailable Warrant of Arrest against the present petitioner.

Learned counsel for the petitioner has submitted that the petitioner is ready to face trial and ready to cooperate in his trial. It is further submitted that the next date of the case is fixed on 04th December, 2023 and he is ready to appear before the learned Trial Court on 04th December, 2023, however, he seeks some protection in the meanwhile as pending Non-bailable Warrant of Arrest has already been issued against the present petitioner and it is further submitted that the learned Trial Court also issued orders for proclaiming him as an absconder and attachment of his properties on 31.10.2023.

Learned Additional Public Prosecutor does not oppose the prayer on the ground that if the petitioner is ready to appear before the learned Trial Court and face trial, an interim protection may be granted to the petitioner.

Considering the submissions made by learned counsel for the parties, this criminal petition is hereby disposed of with a direction to the petitioner, namely, *Shri Gogoi Deori @ Pallab Deuri @ Raj Kumar Deori* to appear before the learned Trial Court i.e., Court of learned Additional Sessions Judge (FTC) Lakhimpur, North

Lakhimpur on 04.12.2023 and to facilitate his appearance before the learned Trial Court, the operation of pending of Non-bailable Warrant of Arrest issued against the present petitioner as well as P&A issued against him shall be kept in abeyance till the next date fixed i.e., 04.12.2023.

JUDGE

Comparing Assistant