

GAHC010271792023



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

Case No. : Crl.Pet./1332/2023

MUNNA DAS @ MONA DAS
S/O SRI MUHAN DAS
R/O VILL-JURA PUKHURI
P.S. LANKA
DIST. HOJAI, ASSAM, INDIA, 782446,
MOBILE NO. 9365255051

VERSUS

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

Advocate for the Petitioner : MR S AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 15.12.2023

- 1.** Heard Mr. S. Ahmed, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State.
- 2.** This application under section 482 of the Code of Criminal Procedure,

1973 has been filed by the petitioner, namely, Munna Das @ Mona Das, impugning the order dated 13.12.2022 passed by learned Chief Judicial Magistrate, Hojai, Sankerdev Nagar, whereby non bailable warrant issued against the present petitioner.

3. It is submitted by learned counsel for the petitioner that on the basis of an FIR which was filed by one Main Uddin on 01.11.2017 before the Officer-in-Charge, Doboka P.S. Case No. 265/2017 under section 366 of the Indian Penal Code was registered and after completion of the investigation charge-sheet was laid against the present petitioner showing the present petitioner as an absconder in column no. 2 of the charge-sheet.

4. It is submitted by learned counsel for the petitioner that the petitioner was never conducted by the Investigating Officer during the pendency of the investigation and even after laying of the charge-sheet he never received any summons from the learned Committal Court.

5. Learned counsel for the petitioner has also submitted that the petitioner is ready to face the trial and ready to cooperate the trial. It is also submitted by the learned counsel for the petitioner that the victim of the alleged case is now living with the present petitioner as his wife and he is ready to face the trial. It is also submitted by learned counsel for the petitioner that the next date of PRC Case No. 242/2019 is fixed on 20.12.2023 before the Court of learned Chief Judicial Magistrate, Hojai and he may be granted some interim protection so that he may appear before the learned Committal Court.

6. Considering the fact that the petitioner is willing to appear before the Committal Court and is ready to face the trial, learned Addition Public Prosecutor does not oppose the prayer of the petitioner.

7. After considering the facts of this case and submissions made by

learned counsel for the petitioner, this criminal petition is disposed of with a direction to the petitioner, namely, Munna Das @ Mona Das to appear before the learned Committal Court i.e. the Court of learned Chief Judicial Magistrate, Hojai in PRC Case No. 242/2019 on 20.12.2023, and to facilitate such appearance by the petitioner, the non bailable warrant of arrest issued against him by learned Committal Court is hereby kept in abeyance till next 15 days.

8. On his appearance before the learned Committal Court, the petitioner may pray for any appropriate relief before the learned Committal Court.

9. With the above observations this criminal petition is disposed of.

JUDGE

Comparing Assistant