

GAHC010253992023



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

Case No. : AB/3840/2023

SARFARAZ NAWAZ
S/O MOHAMMAD MOULADDIN ANSARI,
R/O 36B/1B, WATGUNGE STREET, KHIDDIRPORE,
KOLKATA-700223, WEST BENGAL.

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR J K Bhuyan

Advocate for the Respondent : PP, ASSAM

Linked Case : I.A.(Crl.)/1182/2023

SARFARAZ NAWAZ

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KOLKATA-700223
WEST BENGAL.

VERSUS

THE STATE OF ASSAM

REP. BY THE PP
ASSAM

Advocate for : MR. T SK
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 08.02.2024

Heard Mr. T. Sk, learned counsel, appearing for the petitioner and Mr. KK Das, learned Additional Public Prosecutor, appearing on behalf of the State respondent No.1. Also heard Mr. KN Choudhury, learned senior counsel, assisted by Mr. D.J. Das, learned counsel for the informant/ respondent No. 2.

Case diary, as called for, is received and placed before the Court.

Perused the case diary.

As per the note of the Investigating Officer, it is seen that the petitioner has not yet appeared before the I.O. for recording his statement and not to cooperated with the investigation, although he was given interim protection vide order 15.11.2023 with a direction to the petitioner to appear before the I.O. within a period of 10 (ten) days, and thereafter, the interim bail order dated 15.11.2023 was extended till 08.02.2024 with a further direction to the

petitioner to appear before the I.O. vide order dated 05.01.2024, but the petitioner did not appear before the Investigating Officer till date.

In this context, Mr. KK Das, learned Addl. PP has submitted that the petitioner has not appeared before the I.O. and has violated the direction of this Court issued vide order dated 15.11.2023.

However, Mr. T. Sk, learned counsel for the petitioner has submitted that the petitioner could not appear before the I.O. due to his illness, although this Court has granted 10 days time to the petitioner to appear vide order dated 15.11.2023 with effect from the date of interim pre-arrest bail order. He further submits that the said interim order dated 15.11.2023 was extended till 08.02.2024 vide order dated 05.01.2024 with a direction to the petitioner to appear before I.O., but the petitioner could not appear as there was some threats on phone call and he was not in a position to appear before the I.O. Now, the petitioner is ready and willing to appear before the I.O. to cooperate with the investigation and also ready to pay the balance amount of Rs. 91,6,697.00 vide 3 (three) cheques.

In this context, Mr. KN Choudhury, learned senior counsel for the informant has submitted that the petitioner has not appeared before the I.O. and thus, he has violated the conditions of the interim order dated 15.11.2023 of this Court. However, he raised no objection in granting further time, if he appears before the I.O. and cooperate with the investigation and to repay the balance amount to the informant, who is still willing and ready to accept the said amount.

Considering the entire aspect of the matter and also considering the submissions of the learned counsel for parties to the fact that the petitioner is

ready to pay the entire balance amount and the informant is also willing and ready to accept the said amount and in view of the above, I find that one more chance may be given to the petitioner to appear before the I.O. and to cooperate with the investigation.

Accordingly, interim order dated 15.11.2023 is further extended till next date as a last chance and the petitioner is directed to appear before the I.O. and to cooperate with the investigation.

Let the matter be listed on 26.02.2024 for production of up-to-date case diary.

List matter accordingly.

The learned Addl. PP shall produce the up-to-date case diary on the next date.

JUDGE

Comparing Assistant