

GAHC010275512023



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

Case No. : Crl.Pet./1291/2023

AMINUR ISLAM
S/O BAKKAR ALI
R/O VILL- PAIKANDARA PART-I,
P.O. ND P.S. BILASIPARA
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S C DAS

Advocate for the Respondent : PP, ASSAM

- B E F O R E -

HON'BLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

11.12.2023

Heard Mr. S.C. Das, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam.

This application under Section 482 of the Code of Criminal Procedure, 1973 has been filed for setting aside of the Non-Bailable Warrant of Arrest

(NBWA) issued against the present petitioner by the Court of learned Chief Judicial Magistrate, Kamrup(M) in PRC Case No.2531/2021.

Mr. S.C. Das, learned counsel for the petitioner has submitted that the present petitioner, namely, Aminur Islam, is facing trial under Sections 279/294/506/353/34 of Indian Penal Code before the Court of learned Chief Judicial Magistrate, Kamrup(M). It is submitted by the learned counsel for the petitioner that the petitioner had appeared before the learned Trial Court after receipt of summons by him on 27.12.2021 and the next date was fixed on 29.01.2022, on which date the Court proceeding was adjourned due to Covid-19 pandemic which was prevalent at that point of time. After the Covid-19 pandemic was over, the case was fixed again on 21.05.2022 and thereafter, on 25.08.2022. However, due to communication gap with the petitioner's counsel, the petitioner could not appear before the learned Trial Court on the next date and on 25.08.2022, Non-Bailable Warrant of Arrest was issued against the present petitioner.

It is submitted by the learned counsel for the petitioner that the next date of PRC Case No.2531/2021 is fixed on 01.02.2024 and the petitioner is ready to appear before the learned Trial Court on the next date fixed and at this stage, he only prays for an *interim* protection so as to facilitate his appearance before the learned Trial Court on the next date fixed.

Mr. P. Borthakur, learned Additional Public Prosecutor, Assam also does not oppose the prayer of the learned counsel for the petitioner on the ground that the petitioner is ready to co-operate in the trial.

Considering the submissions made by the learned counsel for both the sides as well as considering the facts and circumstances of this case, this criminal petition is disposed of with the direction to the present petitioner,

namely, Aminur Islam, to appear before the learned Trial Court on the next date fixed in PRC Case No.2531/2021 i.e. 01.02.2024 and to facilitate his appearance before the learned Trial Court, the pending Non-Bailable Warrant of Arrest issued against him by the learned Trial Court shall be kept in abeyance till 01.02.2024.

On his appearance before the learned Trial Court, the petitioner may make prayer for appropriate relief before the learned Trial Court which shall be considered by the learned Trial Court below.

With these observations, the instant criminal petition is hereby disposed of.

JUDGE

Comparing Assistant