

GAHC010282102023



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

Case No. : Crl.Pet./1342/2023

DILWAR HUSSAIN @ DILOWAR HUSSAIN
S/O ABDULHAMID
R/O VILL- GAJALIGHAT, P.S. MURAJHAR
DIST. HOJAI, ASSAM

-VERSUS-

THE STATE OF ASSAM AND ANR
REP. BY THE PP, GOVT. OF ASSAM

2:SMTI. RUMPI DAS
W/O SRI NIBASH MAZUMDER
R/O VILL- PASCHIM GAJALIPAR
P.S. HAWRAGHAT, DIST. KARBI ANGLONG, ASSAM.

Advocate for the Petitioner : MR B CHANDA

Advocate for the Respondent : PP, ASSAM

- B E F O R E -

HON'BLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

18.12.2023

Heard Mr. B. Chanda, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor, Assam.

This application under Section 482 read with Section 401 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Dilwar Hussain @ Dilowar Hussain, impugning the order dated 01.02.2023 passed by learned Additional CJM, Karbi Anglong in P.R.C. Case No.225/2021 and subsequent orders whereby the Non-Bailable Warrant of Arrest (NBWA) and orders for Proclamation and Attachment of Property (P&A) were issued against the present petitioner.

It is submitted by the learned counsel for the petitioner that the petitioner has been shown as absconder in Column 2 of Charge-sheet filed against him under Sections 448/354/323 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that by impugned order dated 01.02.2023, the learned Trial Court issued Non-Bailable Warrant of Arrest to the petitioner. He, however, submits that the petitioner never received any summons from the learned Trial Court. It is further submitted that P.R.C. Case No.225/2021 pending before the learned Additional CJM, Karbi Anglong, Diphu was 'filed' by the order dated 19.10.2023 of the learned Trial Court till arrest and production of the accused before the said Court and a NBWA has been issued against the present petitioner.

Learned counsel for the petitioner has submitted that the present petitioner is ready to face the trial by appearing before the learned Trial Court. However, to facilitate the appearance of the present petitioner before the learned Trial Court, it is prayed that some *interim* protection may be granted to the petitioner.

On the other hand, Mr. D. Das, learned Additional Public Prosecutor does not oppose the prayer for interim protection to the petitioner on the assurance of the learned counsel for the petitioner that the petitioner shall appear before the learned Trial Court and shall face the trial.

Considering the submissions made by learned counsel for both the sides, this Court is inclined to dispose of this criminal petition with a direction to the petitioner, namely, Dilwar Hussain @ Dilowar Hussain to appear before the learned Trial Court on

or before 18.01.2024 and to facilitate his appearance before the learned Trial Court, the Non-Bailable Warrant of Arrest (NBWA) issued against the present petitioner by the learned Trial Court shall be kept in abeyance for next one month.

With the above observations, this criminal petition is hereby disposed of.

JUDGE

Comparing Assistant