

GAHC010283502023



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

Case No. : Crl.Pet./1334/2023

SANJIB DOLEY AND ANR
S/O LATE BENUDHAR DOLEY
R/O VILL-MOINAPARA, P.O. MOINAPARA
PS. GOGAMUKH
DIST. DHEMAJI, ASSAM

2: SRI PURNAKANTA DEOLEY @ NALIA
S/O LATE BENUDHAR DOLEY
R/O VILL- MOINAPARA
P.O. MOINAPARA

P.S. GOGAMUKH
DIST. DHEMAJI
ASSA

VERSUS

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

2:SMTI. ALISH PEGU DOLEY
W/O SRI BADAN DOLEY
R/O VILL- NO. 2 MOINAPARA
P.O. MOINAPARA
P.S.GOGAMUKH
DIST. DHEMAJI
ASSA

Advocate for the Petitioner : MR K PUJARI

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 15.12.2023

- 1.** Heard Ms. K. A. Pujari, learned counsel for the petitioners. 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 petitioners, namely, (1). Sanjib Doley, and (2) Purnakanta Doley @ Nalia, impugning the order dated 18.09.2023 passed by learned Sessions Judge, Dhemaji in Sessions Case No. 109 (DH)/2017, whereby non bailable warrant of arrest was issued against the present petitioners.
- 3.** Learned counsel for the petitioners has submitted that the petitioners are facing a trial before the Court of learned Sessions Judge, Dhemaji in Sessions Case No. 109 (DH)/2017, where the petitioners were regularly appearing and even when they failed they used to engage the counsel to show their cause of absence before the learned Trial Court, however it is submitted by learned counsel for the petitioner that on 18.09.2023 due to communication gap, the petitioner were unaware that the case was fixed on 18.09.2023 and they defaulted in their appearance.
- 4.** Learned counsel for the petitioner has submitted that though the petitioners were appearing regularly before the Trial Court however, on their single default, the learned Trial Court issued non bailable warrant of arrest against them.
- 5.** It is submitted by learned counsel for the petitioners that the petitioners are willing to cooperate in the trial and ready to face trial and they

shall appeal before the learned Trial Court on the next date fixed i.e. on 20.12.2023. However, it is prayed that in order to facilitate their appearance before the learned Trial Court on the next fixed date, some interim protection may be granted to them.

6. Considering the submissions made by learned counsel for the petitioners that the petitioners are willing to appear before the next date and ready to face the trial, learned Additional Public Prosecutor does not oppose the prayer for grant of interim protection to them.

7. In the meanwhile, in view of the submissions made by learned counsel for both sides as well as in view of the facts and circumstance of this case, this criminal petition is disposed of with a direction to the above named petitioners to appear before the learned Trial Court, i.e, the Court of learned Sessions Judge, Dhemaji in Sessions Case No. 109 (DH)/2017, on 20.12.2023 and cooperate in the trial in order to facilitate their appearance before the learned Trial Court, the non bailable warrant of arrest issued against above named petitioners is hereby kept in abeyance for the next two weeks.

8. On his appearance before the learned Trial Court, the petitioners may seek appropriate relief before the learned Trial Court, if so advised.

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

JUDGE

Comparing Assistant