

GAHC010286172023



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

Case No. : Crl.Rev.P./550/2023

PARISMITA CHETIA
D/O DHARMESWAR CHETIA,
AND W/O DR. MANOJ KUMAR BARMAN
PERMANENT ADDRESS-
NAMTI CHARIALI, ADARKHA GAON, P.O. NAMTIDOLL, P.S. NAMTI, DIST.
SIVASAGAR, ASSAM, PIN-785684
PRESENT ADDRESS-
HOUSE NO. 71, R.G. BARUAH, ZOO ROAD, P.S. GEETANAGAR, P.O.
AMBIKAGIRI NAGAR,
DIST. KAMRUP (METRO), ASSAM, PIN-781024

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A LAL

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

18.12.2023

Heard Mr. A. Lal, learned counsel for the petitioner.

This application under Section 397/401 read with Section 482 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Ms. Parismita Chetia, impugning the order dated 01.11.2023, whereby, non-bailable warrant of arrest was issued against the present petitioner.

Learned counsel for the petitioner has submitted that in G.R. Case No. 552/2016, charge-sheet was laid against the present petitioner, along with another co-accused, namely, Smti Ranjana Saikia under Section 468/420 and the learned Chief Judicial Magistrate, Kamrup(M) on 04.06.2016 made over the case to learned Sub-Divisional Judicial Magistrate (Sadar) No.1, Kamrup (M), who issued summons to the present petitioner and other co-accused.

Learned counsel for the petitioner submits that on 27.06.2017, learned Trial Court though had observed in the order sheet that the process issued to the accused, i.e. the present petitioner in the address mentioned in the police papers had returned un-served. However, in spite of that bailable warrant of arrest was issued against the present petitioner.

It is further submitted by the learned counsel for the petitioner that thereafter, on 14.02.2020, the learned Trial Court in spite of the fact that the bailable warrant of arrest was not returned after execution, issued non-bailable warrant of arrest against the present petitioner and thereafter, continued to do so on subsequent dates and lastly, by the impugned order, passed on 01.11.2023, the fresh non-bailable warrant of arrest has been issued against the present petitioner, fixing next date of appearance on 20.02.2024.

Learned counsel for the petitioner has submitted that the petitioner's address given in the charge-sheet is of the maternal home of the present petitioner, however, after marriage of the petitioner she had shifted to Guwahati and therefore, she had not received any summons or other processes issued by

the learned Trial Court.

Learned counsel for the petitioner has submitted that the petitioner is not at fault for not appearing before the learned Trial Court as she was not aware of issuance of any process against her by the learned Trial Court.

It is further submitted by the learned counsel for the petitioner that the petitioner is ready to face trial and ready to appear before the learned Trial Court on the next date fixed.

However, he has prayed for some interim protection to the petitioner so as to facilitate her to appear before the learned Trial Court on the ground that the petitioner is ready to face trial and on the basis of the submissions made by the learned counsel for the petitioner that the petitioner would appear before the learned Trial Court on the next date fixed, learned Additional Public Prosecutor makes no objection against the said prayer.

In view of above, this Criminal Revision Petition is hereby disposed of with a direction to the petitioner, Smti Parismita Chetia to appear before the Court of learned Sub-Divisional Judicial Magistrate (Sadar) No.1, Kamrup (M) in G.R. Case No. 552/2016 on or before the next date fixed, i.e. on 20.02.2024 and to facilitate her appearance before the said Court, the warrant of arrest issued by the learned Trial Court against her in the said case shall be kept in abeyance till 20.02.2024.

With the above observations, the instant Criminal Revision Petition is hereby disposed of.

JUDGE

Comparing Assistant