

GAHC010292502023



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

Case No. : Crl.Pet./1394/2023

WILLSON BROWN BORGAOHAIN
S/O- ESRAEL BROWN BORGOHAIN,
PRESENTLY RESIDES AT FOREST COLONY, YKG, UPPER SIANG,
ARUNACHAL PRADESH,

PERMANENT RESIDENT OF VILL- DISOI GAON,
P.S- SADIYA,
DIST- TINSUKIA, ASSAM

VERSUS

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

2:MONMOHAN RAUT
S/O- LATE AMIR RAUT

INSPECTOR OF POLICE

STF POLICE STATION
SRIMANTAPUR
GUWAHATI-05
DIST- KAMRUP (M

Advocate for the Petitioner : MR. S BORTHAKUR

Advocate for the Respondent : PP, ASSAM

BEFORE

HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

22.12.2023

Heard Mr. S. Borthakur, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor, appearing for the State of Assam.

This criminal petition has been registered on filing of an application under Section 482 of the Code of Criminal Procedure, 1973 praying for interfering with the order dated 29.11.2023 and earlier orders passed by the Court of learned Sessions Judge No. 1, Kamrup (M) in Sessions Case No. 21/2019 under Section 489(B)/120(B) of the Indian Penal Code, whereby the non-bailable warrants of arrest was issued against the present petitioner and the order for proclamation and attachment of property of the petitioner was issued.

Learned counsel for the petitioner has submitted that though the petitioner is in no way involved in the offence alleged in this case, however, the charge-sheet has been laid against the present petitioner under Section 489(B)/120(B) of the Indian Penal Code and the petitioner appeared before the Trial Court after receiving the summons from the Trial Court. However, in the meanwhile, due to Covid-19, the work of the Courts were affected and the petitioner defaulted in appearing before the Court and non-bailable warrant of arrest was issued against the petitioner initially by order dated 08.05.2019 and thereafter, by subsequent orders non-bailable warrants of arrest were issued several times. The last order whereby the Trial Court issued non-bailable

warrant of arrest was on 29.11.2023, fixing 04.01.2023 as the next date of appearance.

Learned counsel for the petitioner has submitted that the petitioner had gone to Arunachal Pradesh for livelihood and he was also suffering from some dental issues and due to communication gap with his engaged counsel, he could not appear before the Trial Court on the date fixed by the said Court.

It is further submitted by the learned counsel for the petitioner that the petitioner is now ready to co-operate in his trial and he shall regularly appear before the Trial Court. However, as a non-bailable warrant of arrest has already been issued against him, he seeks for some interim protection so as to facilitate him to appear before the Trial Court.

Learned Additional Public Prosecutor submits that as the Sessions Case No. 21/2019 was fixed on several occasions between 2019 and 2023, therefore, it may not be believed that the petitioner was not aware of the dates, however, considering the fact that the petitioner is ready to appear before the Trial Court, learned Additional Public Prosecutor does not oppose the affording of an interim protection to the petitioner in the meanwhile.

Considering the submissions made by the learned counsel for both the sides as well as considering the facts and circumstances of this case, the petitioner, namely, Wilson Brown Borgaohain is hereby directed to appear before the Court of learned Sessions Judge No.1, Kamrup (M) on 04.01.2024 without fail and to co-operate in his trial. In order to facilitate his appearance before the Trial Court on the next date fixed, the operation of non-bailable warrants of arrest issued against the present petitioner by the learned Trial Court shall be kept in abeyance till that date.

With the above observations, the instant Criminal Petition is hereby

disposed of.

JUDGE

Comparing Assistant