

GAHC040014612024

2024:GAU-AP:1003



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

Case No. : Crl.Petn./187/2024

Basit Uddin
Son of Shri Fojaz Uddin, a resident of VTC, Barhawar, PO Barhawar, PS Hojai,
District Hojai, Assam

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Muk Pertin, Senior Advocate, Mukbang Pertin, Dakjum Riba, Tshering Yangzom Bhutia, Rimo Riba, Karyom Dabi

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

JUDGMENT AND ORDER (ORAL)

Date : 04-11-2024

Heard Ms. T. Y. Bhutia, learned counsel for the petitioner. Also heard Mr. T. Ete, learned Additional PP for the State of AP.

2. This is an application filed under section 482 of the Code of Criminal Procedure, 1973 (section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023)

read with section 439 of the Code of Criminal Procedure, 1973 (section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023) for quashing and setting aside of the orders dated 12.12.2023, 23.02.2024, 08.04.2024 and 03.05.2024, passed by the learned Special Judge (NDPS), Bomdila for release of the accused, Shri. Kamal Uddin on previous bail granted by this Court on 31.10.2022.

3. The case of the petitioner is that on 24/07/2022, an F.I.R was submitted by one Shri Sochi Don (Inspector, Seppa Police Station) against the accused person, Shri Apu Venia, after receiving information from reliable sources that the accused person was carrying some contraband substance with him and travelling in a bus from Itanagar to Seppa. After intercepting the vehicle in which the accused person was travelling, the Police team recovered suspected heroin weighing 54.33 gms with the weight of the vials and 5.38 gms without the vials, from a blue backpack which was in the possession of the accused, after which a case was registered vide Seppa P.S. Case No. 41/2022, under section 21(b) of the NDPS Act, 1985 and the case was endorsed to the I.O. for further investigation.

4. During the course of investigation, the accused person, Shri Apu Venia on being interrogated, disclosed that he had been procuring drugs from one Shri Saiful Islam and Shri Ashadul Ali, who were then arrested by the Seppa Police from Itakhola, Assam.

5. However, no any contraband substance was recovered from their possession during the search. On further interrogation, the arrested accused Shri. Saiful Islam disclosed that he is a drug peddler as well as a user and that he has been selling drugs to Shri. Apu Venia and Shri. Ashadul Ali and that he

has deposited around Rs. 1,00,000/- (One Lakh Only) to a Bandhan Bank account under the name of Shri Kapil Dev Shah and around Rs. 17,34,000/- (Seventeen Lakh Thirty Four Thousand Only) to another HDFC Bank account belonging to one Miss Poubinah Teinamei. Thereafter, according to the information gathered from the statement of the accused Shri Saiful Islam and co-accused Shri Ashadul Ali, a raid was conducted at Dimapur by the Arunachal Police with the help of Dimapur Police, wherein a huge consignment of 1 kg 200 gms of contraband drugs were confiscated from Shri. Ashraf Hossain Choudhary, after which a fresh case was registered as Dimapur P.S. Case No. 0190/2022 u/s 22(c)/27(b) of the NDPS Act against Shri. Ashraf Hossain Choudhary, Shri **Kamal Uddin** (the accused person herein) and Shri Shayan Chandra and all three accused persons were arrested and kept under the custody of Special Judge (NDPS), Dimapur.

6. After completion of the investigation, the case was submitted into chargesheet on 17/09/2022 and thereafter, a Supplementary Charge sheet was also filed on 03.04.2023 in Seppa P.S. Case no. 41/2022.

7. It is submitted that the accused person, Shri **Kamal Uddin**, along with other co-accused persons, Shri Ashraf Hossain Choudhary and Shri Shayan Chandra were apprehended in connection with Seppa P.S. Case No. 41/2022, however since they were arrested at Dimapur and booked under Dimapur P.S. Case No. 10190/2022, the I.O. of the case in Seppa P.S. Case No. 41/2022 moved an application before the Court of Special Judge (NDPS) at Bomdila for issuing production warrant and for transit remand against all three accused persons for interrogation and production before the Court of Special Judge (NDPS), Bomdila in connection with Seppa P.S Case No. 41/2022.

8. Thereafter, the accused person, Shri. **Kamal Uddin** along with others were arrested in connection with Seppa P.S. Case no. 41/2022 on **10.09.2022**.

9. Vide order dated **31.10.2022**, passed by this Court in Bail application No. 104/2022, the accused, Shri. **Kamal Uddin** was granted bail with the condition that the accused shall make himself available before the I.O of the case as and when required.

10. It is submitted that on 24.07.2022, an FIR was submitted against one accused person, Shri. Apu Venia after receiving information from reliable sources that he was carrying some contraband substance with him and travelling in a bus from Itanagar to Seppa. On inspection of the said vehicle the police team recovered suspected heroin weighing 54.33 gms with the weight of the vials and 5.38 gms without the weight of the vials.

11. Thereafter, the accused, Shri. **Kamal Uddin** along with the other accused persons were also arrested on **10.09.2022** in connection with the above Seppa P.S. Case No. 41/2022, under section 21(b) of the NDPS Act, 1985.

12. The accused, Kamal Uddin was granted bail by this Court on 31.10.2022 on execution of bail bond of Rs. 20,000/- and he was released on 24.11.2022 along with the two other accused persons.

13. On submission of the chargesheet, the learned Special Judge (NDPS), Bomdila took cognizance of the offence against the accused persons in the case and by an order dated 03.05.2023, the case was fixed for appearance of the accused persons on 31.05.2023.

14. On 31.05.2023, the accused, Shri. Kamal Uddin could not be present before the learned Special Judge (NDPS), Bomdila however, a dispense petition was filed on his behalf along with two other accused persons, which was allowed by the learned Special Judge (NDPS), Bomdila. Thereafter, the accused persons remained present before the court for two consecutive dates on 17.07.2023 and 15.09.2023. However, the accused person could not be present in the Court on 30.10.2023 and 12.12.2023, due to his ailment as he was suffering from diabetes and hypertension. However, his learned counsel appeared on all dates and accordingly submitted dispense petition on behalf of the accused petitioner as per the procedure. But despite of such prayer made by the learned counsel for the accused petitioner, the learned Special Judge (NDPS), Bomdila issued Non Bailable Warrant of Arrest (for short NBWA) against the accused Shri. Kamal Uddin on 12.12.2023. It is further submitted that the accused Shri. Kamal Uddin made an effort to appear before the learned Court on 23.02.2024, however, due to some mechanical problem of his vehicle, he could not appear. On that day, the dispense petition stating the reason was made before the learned Special Judge (NDPS), Bomdila, however, the same was rejected and a fresh NBWA was issued against the accused, Shri. Kamal Uddin again.

15. It is the further submission of the learned counsel for the petitioner that the accused, Shri. Kamal Uddin personally appeared before the learned Special Judge (NDPS), Bomdila on 08.04.2024 and the petition was filed for cancellation of the arrest warrant issued against him under Section 70 (2) of the Cr.PC. However, the said application was rejected by the learned Special Judge (NDPS), Bomdila on the ground that the accused person has failed to appear before the Court in violation of the bail granted to him and that only due to his absence,

the trial of the case could not be started till date.

16. It is submitted that earlier, the accused, Shri. Kamal Uddin was granted bail by this Court and that the bail already granted by the High Court can be cancelled only if the accused person, who has been granted the benefit of bail has violated any condition of bail or misused his liberty by influencing the witnesses or tampering with the evidence. However, in the instant case, the accused, Shri. Kamal Uddin has neither violated any of the bail conditions imposed upon him in the bail granted by this Court. However, the learned Special Judge (NDPS), Bomdila without cancelling the said bail granted to the accused, Shri. Kamal Uddin has issued NBWA and has taken him into custody and thereafter, the bail bond has been forfeited.

17. Being highly aggrieved by the order dated 12.12.2023, 23.02.2024, 08.04.2024 and 03.05.2024 passed by the learned Court of Special Judge (NDPS), Bomdila, the petitioner has filed this Criminal petition amongst other on the following grounds:

- (i) That the learned Special Judge (NDPS), Bomdila has committed error in issuing NBWA to the accused person, Kamal Uddin on 12.12.2024 without first issuing summon or a bailable warrant to secure the attendance of the accused, Kamal Uddin.
- (ii) That the personal appearance of the accused person, Kamal Uddin before the Court of Special Judge on 08.04.2024 fulfilled the purpose of the issuance of NBWA, hence, the learned Special Judge (NDPS), Bomdila ought to have recalled and cancelled the NBWA issued against the accused person on 08.04.2024 instead of

rejecting the recall petition of the accused person and arresting him.

- (iii) That the learned Special Judge, NDPS, Bomdila before issuing NBWA to the accused, Kamal Uddin on 12.12.2023 ought to have cancelled the earlier bail granted to the accused by this Court. However, without drawing a procedure for cancellation of his earlier bail granted by this Court in accordance with law, the execution of NBWA would ultimately result in the arrest of the accused person and his liberty being curtailed. Therefore, in absence of the order of cancellation of bail of the accused person, the order dated 12.12.2023, 23.02.2024, 08.04.2024 and 03.05.2024 cannot stand in law and hence, the same is liable to be quashed and set aside.
- (iv) That the learned Special Judge,(NDPS), Bomdila while refusing to recall the NBWA, has failed to consider that bail already granted by the High Court may be cancelled only if the accused person, who has been granted the benefit of bail has violated any condition of bail or misused his liberty by influencing the witnesses or tampering with the evidence, which in this instant case did not happen, hence the impugned orders are liable to be quashed and set aside.
- (v) That the learned Special Judge, NDPS, Bomdila while passing the Order dated 08/04/2024, has also forfeited the bail bond standing against the accused person, Kamal Uddin without issuing any

notice to the accused person or granting him any opportunity of being heard, which goes against the settled principles of law.

18. The learned counsel for the petitioner further submits that even on merit also, unlike the other co-accused persons in the case, there were no recoveries made from the alleged accused person, Shri, Kamal Uddin and even the Chargesheet filed by the I.O. of the case do not disclose any evidence against the alleged accused person with regard to the allegations of illicit financing of drugs or any financial transactions connecting the accused person, Shri. Kamal Uddin with other accused persons.

19. For the reasons and the grounds stated above, the learned counsel for the petitioner prays for quashing and setting aside the order dated 12.12.2023, 23.02.2024, 08.04.2024 and 03.05.2024 passed by the learned Special Judge, (NDPS), Bomdila.

20. Mr. T. Ete, the learned Additional PP fairly submitted that in the instant case, the accused, Shri. Kamal Uddin was granted bail by this Court on 31.10.2022 and he was released on 24.11.2022 with certain conditions and unless the said bail granted to the accused, Kamal Uddin is cancelled, he cannot be issued Non Bailable Warrant of Arrest without giving notice to his bailor, much less the arrest of the accused unless the earlier bail is canceled.

21. In support of his submission, the learned Additional PP has cited the following decision of the Hon'ble Supreme Court:

- (i) ***Makhan Lal Vs. Union Territory of Jammu & Kashmir through SHO Police Station Samba reported in 2023 SCC***

OnLine J&K 306, the relevant paragraph is reproduced herein below;

4. *High Court of Madras in a case titled Prapbakaran--Petitioner Vs. The State represented by Inspector of Police, Lavindapadi Police Station Erode District--Respondent [2010(1) MWN (Cr.) 368] relied by Ld. Counsel for petitioner, while considering the scope and import of [section 446](#) of the Code of Criminal Procedure in para 10 of the judgment at pages 182 &183 held has under:-*

10. I regret, I am unable to pursued myself to agree with the said view taken by Orissa High Court as well as Delhi High Court wherein the Ld. Judges have taken the view that where there is failure of the accused to appear before the court no further enquiry or proof is necessary or contemplated for recording satisfaction. In my considered opinion mere failure to appear before the court in the absence of any willingness on part of the accused would not amount to a "breach". Manifestly there has to be animus on part of accused not to abide by or comply with the terms and conditions of the bond. Such animus alone makes the failure of accused to appear, a breach in terms of Section 446 of the Code. Such animus on the part of accused could be ascertained only after affording sufficient opportunity to the accused. On receipt of notice if the accused satisfies the court that he was prevented from appearing before the court due to sufficient reasons, the court may not record such satisfaction holding, that the accused has committed a breach of bond, the language "proved to the satisfaction" needs to be underscored, which clears doubt, if any, that term "proof" held within it "disproof" by accused/surety also. Such proof or disproof of animus can be arrived at only after sufficient opportunity to the accused/surety. Such opportunity shall satisfy the Principles of Natural Justice "Audi Alteram Partem" which is not alien to criminal law as it has the sanction of the constitution of India. Therefore, before recording such satisfaction, notice to the accused is necessary and further enquiry should follow. On such enquiry only, the court has to get satisfied himself on proof as to whether there was any breach of the terms of bond and after so satisfied that breach has taken place then only such recording of satisfaction of the court will indicate breach of the term bond."

- (ii) ***Mahesh Vs. State of Kerala*** reported in ***2009 SCC Online Ker 6601;(2011) 1 KLJ 3***, the relevant paragraphs are reproduced herein below:

"14. Section 446A deals with cancellation of bail bond. A joint reading of S. 439, S. 441, and 446A of the Code, shows that when a person is granted bail by the High Court or Sessions Court, he shall be released on bail only after execution of a bail bond, as provided under S. 441 of the Code. If any condition is imposed by the High Court or the Sessions Court, such condition, shall also be incorporated in the bail bond. If any of such condition is violated by the accused and thereby, such bond is forfeited by any person or persons, who executed the bail bond, the bond shall stand cancelled, by virtue of S. 446A of the Code.

15. The cancellation of bail bond under S. 446A of the Code is an automatic eventuality and it occurs, on account of breach of condition in the bail order and consequent forfeiture of the bail bond. S. 446A of the Code does not make any difference in the case of bail bond executed on the strength of bail order passed by the Magistrate Court or by the High Court or Sessions Court. It applies equally to the bail bond executed either on the basis of an order passed under S. 437 or under S. 439 of the Code and the consequence under S. 446A is the same to such bond.

16. If bail bond stands cancelled under S. 446A of the Code, as a consequence of violation of condition in the bail order, the Magistrate is bound to proceed against the accused to procure his presence in Court and also for forfeiture of bond. For this purpose, non-bailable warrant may be issued against him. If the accused is arrested and produced in Court, the Magistrate may also commit him to custody, subject to the provision in S. 446A(b) of the Code. Therefore, it follows that, if any condition in the bail order issued by the Superior Court is violated, the Magistrate himself can independently proceed against the accused for procuring his presence or to proceed against him for forfeiture of bond. It may not be necessary for him to address the High Court or Sessions Court to cancel bail. S. 446A is not controlled by S. 437(5) or 439 (2) of the Code.

17. S. 446A of the Code deals with "cancellation of ball bond", whereas, S. 437(5) or 439(2) 16 is invoked for "cancellation of ball "cancellation of bail bond, and "cancellation of bail." "Cancellation of ball bond takes There is a difference between place automatically under 5. 446A of the Code whereas, "cancellation of ball" is often ordered under 5. 437(5) or 439(2) of the Code, under exceptional circumstances. In fact there is no provision in the Code which, in express terms, deals with powers of the Court to "cancel

bail". Neither in S. 437(5) nor in 439(2) of the Code, the expression "cancellation of bail" is seen used.

18. *Going by the language of the Code, what is contemplated under S. 437(5) and 439(2) of the Code, is only issuance of a direction to arrest and commit the accused to custody. But, such power is often referred to by the Bench and the Bar as "cancellation of ball" and the said expression "cancellation of bail" is crystallised by its usage, in various judicial pronouncements. However, before issuing a direction to arrest and commit to custody under S. 437(5) or 439(2) of the Code, it is necessary for the Court concerned to cancel the ball and this may be the reason why reference is made in the precedents, as "cancellation of bail".*

19. *To cancel the ball under S. 437(5) or 439(2) of the Code very cogent and overwhelming reasons are also to be stated. The Court shall not cancel bail in a routine manner, under S. 437(5) or 439(2) of the Code, as per law. This is the settled position of law. But, the position under S. 446A of the Code is totally different. If the Magistrate Court is satisfied that there is breach of condition of ball bond and thereby, forfeiture of the bond, the bond automatically stands cancelled under S. 446A of the Code.*

20. *However, a mere violation of condition in the bail order will not lead to automatic cancellation of bail bond under S. 446A of the Code. Apart from violation of condition in the ball order, the Court must also be satisfied that the bond is forfeited then alone, ball bond would stand cancelled and the accused can be proceeded against. It is the forfeiture of the ball bond which is crucial under S. 446A of the Code. If the breach of condition is not wilful and is due to reasons beyond his control, it cannot be said that there is forfeiture of bond, The question is dealt with in *Rajan v. State of Kerala*, 2006 (4) KLT 429 and it is held thus:*

"A bond for appearance can be said to be forfeited, only if there is a wilful default on the part of the accused in not appearing before the Court. It is needless to say that an accused can be absent in Court due to various reasons on a particular occasion. When the counsel files an application, it follows that the accused was vigilant and he had taken

steps to instruct his counsel to file an application. Such an accused cannot be said to have forfeited the bond by reason of any wilful default. It is only in Cases where there is wilful default on the part of the accused to appear in Court, forfeiture of bond will follow and penalty will incur."

21. *In State of Kerala v. Anil Kumar, 2005 (4) KLT SN 59, referring to cancellation of bail, this Court held thus: "an innocent violation of any condition imposed by the Court will not ipso facto lead to cancellation of bail under S. 439(2) Cr.PC. The crucial and vital question is whether there has been deliberate, contumacious and unjustified infraction of the conditions Imposed by the Court". It is needless to say that if the Court cannot cancel bail, if violation of condition is not wilful or deliberate, it is only reasonable to hold that such violation (which is not wilful or intentional) shall also not lead to an automatic cancellation of bail bond under S. 446A of the Code.*

22. *It must also be borne in mind that whether bail bond stands cancelled under S. 446A or bail is cancelled under S. 437(5) or 439(2), the consequences which the accused may face are more or less the same. He may be arrested and committed to jail. Therefore, the Courts shall be extremely cautious and careful while proceeding against an accused on the ground that bail bond stands cancelled.*

23. *To sum up, I hold that if the Magistrate comes across with instances of violation of condition of bail or if a report is filed by the Investigating Officer before the Magistrate Court, pointing out violation of condition of bail granted by the Superior Courts without there being any request for "cancellation of bail", nothing prevents the Magistrate from proceeding against the accused, under appropriate provisions of law, as indicated above. Nothing in the Code prohibits the Magistrate from proceeding against the accused, if the bail bond executed on the strength of the order issued by the High Court or Sessions Court stands cancelled under S. 446A of the Code. It is not even necessary for the Magistrate to address the High Court or the Sessions Court to cancel bail. However, if there is an application for cancellation of bail granted by the High Court or Sessions Court, the position will be different and the Magistrate Court will have to proceed, as per the settled legal position.*

24. *Now coming to the facts, I find that the High Court passed a bail order in favour of 3rd accused and he executed bail bond under S. 441 of the Code before Magistrate Court, Thereafter, he was released on bail by the Magistrate Court. If there is any violation of condition in the bail order, there may be breach of bail bond and forfeiture of bond."*

(iii) ***Baunti Mishra and Anr Vs. State of Jharkhand in Cr.M.P. N. 3998/2019***, the relevant paragraphs are reproduced herein below:

"5. The Court has gone through the order dated 04.06.2016 and finds that on that date the petitioners were in attendance under section 317 of the Cr.P.C., however, the learned court has directed for issue of N.B.W and there is no order of bail bond cancellation. However, in the margin of the said order, it is mentioned that bail is cancelled. It appears that in absence of any order of the learned court, the said act is done which is not in accordance with law and the learned revisional court has also affirmed the said order.

6. In view of above, the order dated 04.06.2016 passed by the learned Chief Judicial Magistrate, Deoghar as well as the order of the learned revisional court dated 01.10.2019 passed in Criminal Revision No.114 of 2019 in connection with Deoghar Nagar (Town) P.S. Case No.179 of 2014, corresponding to G.R. Case No.424 of 2014, pending in the court of learned Chief Judicial Magistrate, Deoghar is set aside.

7. The prayer made in I.A No.10403 of 2022 for addition of prayer in main quashing application at its para-1 with regard to quashing of the order dated 01.10.2019 passed by learned Sessions Judge, Deoghar, whereby revision preferred by the petitioner against the order dated 04.06.2016, has been rejected is, accordingly allowed, and disposed of.

10. It is made clear that if the petitioners failed to appear on the said date fixed by this Court before the learned court concerned, the learned court will proceed in the matter and take all coercive measures against the petitioners."

22. While referring to the decision held in ***Makhan Lal Vs. Union Territory of Jammu & Kashmir through SHO Police Station Samba*** (supra), the learned Additional PP submits that before recording such satisfaction that the breach has been committed, the Court is required to issue notice and after affording opportunity to offer any explanation, if the court is not satisfied with the said explanation offered by the accused, then the court has to record such satisfaction that the terms of the bond have been breached which alone

signifies the forfeiture of the bond. He further submits that in the instant case, the bail bond of the accused, Kamal Uddin has been forfeited without giving such opportunity which is not as per the procedure of law.

23. Heard both the learned counsel for the parties.

24. It appears that the accused was granted bail by this Court on 31.10.2022 and he was released on 24.11.2022. It also appears that after completion of the investigation, the I.O has submitted the case into chargesheet before the learned Special Judge (NDPS), Bomdila who took cognizance of the case and issued summon/production of the accused persons. From the record, it also appears that on non-appearance of the accused persons, the learned Special Judge (NDPS), Bomdila has issued NBWA against the accused, Kamal Uddin on 12.12.2023, 23.02.2024, 08.04.2024 and subsequently on 03.05.2024.

25. The record reveals that by an order dated 08.04.2024, the application for cancellation of the NBWA filed by the accused, Shri. Kamal Uddin has been rejected and as a result, the accused, Shri. Kamal Uddin was taken into custody and after taking him into custody, the bail bond standing against the accused was forfeited.

26. Section 446A deals with cancellation of bail bond. A joint reading of S. 439, S. 441, and 446A of the Code, shows that when a person is granted bail by the High Court or Sessions Court, he shall be released on bail only after execution of a bail bond, as provided under S. 441 of the Code. If any condition is imposed by the High Court or the Sessions Court, such condition, shall also be incorporated in the bail bond. If any of such condition is violated by the accused and thereby, such bond is forfeited by any person or persons, who executed the

bail bond, the bond shall stand cancelled, by virtue of S. 446A of the Code.

27. The cancellation of bail bond under S. 446A of the Code is an automatic eventuality and it occurs, on account of breach of condition in the bail order and consequent forfeiture of the bail bond. S. 446A of the Code does not make any difference in the case of bail bond executed on the strength of bail order passed by the Magistrate Court or by the High Court or Sessions Court. It applies equally to the bail bond executed either on the basis of an order passed under S. 437 or under S. 439 of the Code and the consequence under S. 446A is the same to such bond.

28. In the instant case, the accused person, Shri. Kamal Uddin, appeared before the Court and made an application for cancelation of the NBWA issued against him, however, the learned Trial Court has rejected the application for cancellation of the NBWA issued against him and there is no order of bail bond cancellation. However, in the said order, it has been mentioned that the bail bond standing against the accused person is forfeited which amounts to the cancellation of the bail. It appears that in absence of any order of the learned Court, the said act was done, which is not in accordance with law.

29. In view of the above, the orders dated 12.12.2023, 23.02.2024, 08.04.2024 and 03.05.2024 passed in NDPS Case no. 18/2022 arising out of Seppa PS case no. 41/2022 under section 21 (b) and 27 (a) of NDPS Act pending in the Court of the learned Special Judge (NDPS), 1985 Bomdila is set aside.

30. The accused person, Shri. Kamal Uddin is directed to be released from the custody forthwith and he is directed to appear before the learned Special Judge

(NDPS), Bomdila on 28.11.2024. If the accused, Shri. Kamal Uddin appears before the learned Special Judge (NDPS), Bomdila, on the said date fixed by this Court, the accused, Shri. Kamal Uddin shall be allowed to remain on the earlier bail bond which has been cancelled.

31. It is made clear that if the accused, Shri. Kamal Uddin fails to appear on the said date fixed by this Court before the learned Special Judge (NDPS), Bomdila, the concerned learned Court will proceed in the matter and take all coercive measures against the accused as per law.

32. With the above observation and directions, this Criminal Petition stands disposed of.

JUDGE

Comparing Assistant