

GAHC010006212024



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

**Case No. : Crl.Pet./27/2024**

DHARMENDRA GOGOI  
S/O LATE DILIP GOGOI  
R/ VILL- DHENUKHANA  
P.O. DHENUKHANA  
P.S. GHILAMARA  
DIST. LAKHIMPUR, ASSAM

VERSUS

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

2:ABHIJIT SARMA  
S/O LATE NARAYAN SARMA  
VILL- GANDHIYA MODHUPUR TINIALI  
P.S. GHILAMARA  
DIST. LAKHIMPUR  
ASSA

**Advocate for the Petitioner : MR A KHANIKAR**

**Advocate for the Respondent : PP, ASSAM**

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

**ORDER**

**Date : 12.01.2024**

Heard Mr. A. Khanikar, learned counsel for the petitioner. Also heard Mr. K. K. Das, learned Additional Public Prosecutor for the State respondent.

This application under Section 482 of the Code of Criminal Procedure, 1973 has been preferred by the petitioner, namely Dharmendra Gogoi, impugning the order dated 16.06.2023 and all subsequent order issued by SDJM, Dhakuakhana in PRC Case No. 48/2023.

Learned counsel for the petitioner has submitted that in PRC Case No. 48/2023 chargesheet has been laid under Section 366 of the Indian Penal Code against the present petitioner showing him as an absconder in the chargesheet. Learned counsel for the petitioner has also submitted that initially the Committal Court i.e., Court of learned SDJM, Dhakuakhana had issued summons to the present petitioner, however by order dated 16.06.2023 when the said summons issued to the present petitioner returned without service, the Committal Court issued non bailable warrant of arrest against the present petitioner and thereafter, an order of proclamation of the petitioner as an absconder and an order for attachment of property and ultimately by order dated 30.12.2023 the case against the present petitioner was filed by the Committal Court and a standing warrant of arrest was issued against the present petitioner.

Learned counsel for the petitioner has submitted that the petitioner came to know about the pendency about PRC Case No. 48/2023 in the month of December.

He has submitted that while issuing non bailable warrant of arrest against

the present petitioner, it was issued at the first instant only on the basis of the report of the process server that the petitioner has been staying away from his house for a long period.

It is further submitted by learned counsel for the petitioner that the petitioner is willing to face trial and he shall appear and cooperate in his trial before the Trial Court.

Learned Additional Public Prosecutor opposes the grant of any relief in this case to the present petitioner as the petitioner has remained absent before the Trial Court.

I have considered the submission made by learned counsel for both sides and perused the materials on record.

It appears that from the order sheet of the PRC Case No. 48/2023 which are annexed along with this criminal petition and it appears that there was nothing before the Committal Court to come to the conclusion that the petitioner has been intentionally avoiding the processes issued by Committal Court and further considering the fact that the petitioner is ready to appear before the Committal Court and face his trial, this criminal petition is disposed of with a direction to the petitioner, namely, DharmendraGogoi to appear before the learned SDJM, Dhakuakhana within a period of 15 days and to facilitate said appearance before theCommittal Court, the standing nonailable warrant issued against him shall be kept in abeyance till next one month.

With the above observation, this instant bail application is disposed.

**JUDGE**

**Comparing Assistant**