

GAHC010007802024



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

Case No. : Crl.Pet./42/2024

MD. CHAND ALI
S/O ABDUL MAZID
R/O VILL- LUNGJHAR
FAGUNAGAON NO. 1, SUB-DIVISION- BIJNI, DIST. CHIRNG, BTR, ASSAM
PIN-783390

VERSUS

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

2:SRI PRASENJIT GHOSH
S/O SRI TAPAN KUMAR GHOSH
WARD NO. 11
OF BONGAIGAON

MUNICIPALITY
PAULPARA

P.O
P.S. AND DIST. BONGAIGAON
ASSAM
PIN-78338

Advocate for the Petitioner : MR S H SIKDAR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

19.01.2024

Heard Mr. S H Sikdar, learned counsel for the petitioner.

This is an application filed under Section 482 CrPC praying for quashing of the order dated 18.11.2023 and subsequent order dated 26.12.2023 passed by the learned Additional Chief Judicial Magistrate, Bongaigaon in N.I.C.R. Case No. 92/2023.

The petitioner has been facing the charge under the provision of N.I. Act. The trial court issued Non Bailable Warrant of Arrest (NBWA) against the petitioner for arresting him to appear in the Court in response to the summon issued to him.

The petitioner claims to be indisposed and to that effect, a medical prescription has been filed.

Having gone through the materials available on record, it appears that the documents produced by the petitioner do not support his claim properly.

This court is of the opinion that the petitioner should be given an opportunity to face the trial. Therefore, the impugned orders dated 18.11.2023 and subsequent order dated 26.12.2023 passed by the learned Additional Chief Judicial Magistrate, Bongaigaon in N.I.C.R. Case No. 92/2023 are set aside. The NBWA, issued against the petitioner Chand Ali shall be recalled. The petitioner is directed to appear before the learned trial court on 01.02.2024 for receiving further order(s).

It is made clear that if the petitioner fails to appear before the trial court on the date aforesaid, the trial court shall be at liberty to issue fresh NBWA against him.

With the above, the criminal petition stands disposed of.

JUDGE

Comparing Assistant