

GAHC010010142024



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

Case No. : Crl.Pet./58/2024

ALOK SEN @ SWAPAN GHOSH
S/O LATE ABANI KANTA SEN
R/OBAKRAVITHA
P.O. BAKRAVITHA
P.S. BAKRAVITHA
DIST. JALPAIGURI, WEST BENGAL.

VERSUS

THE STATE OF ASSAM AND ANR
TO BE REP BY THE PP, ASSAM

2:SRI BIBEKA NANDA CHAKRABORTY
S/O LT. KUSHAL NATH CHAKRABORTY
R/O TTE OF GUWAHATI RAILWAY STATION
N.F. RAILWAY

P.O. AND P.S. PANBAZAR

DIST. KAMRUP (M)
GUWAHATI
PIN-78100

Advocate for the Petitioner : MR. D MAZUMDAR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

23.01.2024

This is an application under Section 482 of the Cr.PC for quashing of the Orders dated 06.04.2022, 18.05.2022, 03.08.2022, 03.11.2022, 02.02.2023, 29.04.2023, 11.07.2023, 03.09.2023 and 16.12.2023, whereby the learned Special Judicial Magistrate, Kamrup (Metro), Guwahati has issued NBWA and Proclamation and Arrest against the petitioner in GR Case No. 7769/2014.

Heard the counsels for both sides.

It is the case of the petitioner that he is presently residing in Kolkata and hence, he did not received the intimation of the dates fixed before the Trial Court. Accordingly, he was absent and the impugned orders were passed.

I have considered the submissions made at the bar and had perused the grounds stated in the petition.

The learned counsel for the petitioner submits that the petitioner is willing to participate in the proceedings and appear regularly.

In view of the aforesaid, in the interest of justice, the impugned Orders dated 06.04.2022, 18.05.2022, 03.08.2022, 03.11.2022, 02.02.2023, 29.04.2023, 11.07.2023 03.09.2023 and 16.12.2023 passed in GR Case No.

7769/2014 are set aside and quashed, subject to the condition that the petitioner shall appear regularly before the Trial Court. As such, the petitioner is directed to appear on 16.03.2024 before the Trial Court failing which, the NBWA issued by the impugned orders will be restored.

The petition is accordingly allowed.

JUDGE

Comparing Assistant