

GAHC010010972024



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

Case No. : Crl.Pet./81/2024

PRANJIT BORGoyARI
S/O PAKHALESHWAR BORGoyARI
R/O VILL- RAJU GAON, P.S. GOSSAIGAON, DIST. KOKRAJHAR, ASSAM

VERSUS

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

2:MANIRUL ISLAM
SI
S/O GOUHAR JAMAN
DOKMOKA POLICE STATION
KARBI ANGLONG
ASSAM
PIN-78244

Advocate for the Petitioner : MR. K BORUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

25.01.2024

Heard Mr K Boruah, learned counsel appearing on behalf of the petitioner, Pranjit Borgoyari.

2. The petitioner has filed this application under Section 482 CrPC, read with Section 401 CrPC, seeking quashing of the orders dated 29.12.2018 and subsequent orders passed by the learned CJM, Karbi Anglong, Diphu, in connection with GR Case No. 340/2010.
3. Heard Ms B Bhuyan, learned Additional Public Prosecutor, assisted by learned counsel, Ms B Borah, for the State of Assam/respondent No. 1.
4. The respondent No. 1/State of Assam has accepted notice, so, no formal notice is required to be issued.
5. The petitioner has annexed all the up-to-date orders of the learned trial Court, as Annexure-D series.
6. The petitioner has drawn the attention of this Court to the order dated 08.09.2017, stating that after charge sheet was laid against the petitioner, summonses were issued against him. The petitioner was not aware of the summonses. Thereafter, on 29.12.2018, the learned trial Court passed an order to issue NBWA, stating that summonses have been served to the present petitioner.
7. It is submitted on behalf of the petitioner that the petitioner has never received summonses in connection with this case. When NBWA and P & A were issued against the petitioner, then he came to know about the pendency of this case. The petitioner is willing to appear before the learned trial Court and cooperate with the trial. The petitioner is booked under Sections 379/120 IPC, in connection with an offence relating

to theft of a vehicle.

8. The learned Additional Public Prosecutor has submitted that the conduct of the petitioner reveals that the petitioner has been evading appearance. This case has been pending since 2010. It is not plausible that the petitioner will not know about the pendency of this case as this is a case relating to theft of a Bolero vehicle, bearing Registration No. AS-26-1035. Moreover, the conduct of the petitioner and the co-accused have procrastinated this case.

9. I have considered the submissions at the Bar with circumspection.

10. I have considered the submission of the petitioner that he is willing to cooperate with the trial.

11. I have also taken a pragmatic view.

12. Considering all aspects, the NBWA and P & A, issued against the petitioner is kept in abeyance till 01.02.2024. The petitioner is directed to appear before the learned trial Court on or before 01.02.2024 and face the trial.

13. The Criminal Petition stands disposed of.

JUDGE

Comparing Assistant