

GAHC010016882024



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

Case No. : Crl.Rev.P./32/2024

MD NUR JAMAL
S/O SAMAR ALI
R/O VILL- SONAPUR RESERVE GAON
P.S. BIHPURIA
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

01.02.2024

This is an application under Section 401/397 read with Section 482 of the Code of Criminal Procedure, 1973 seeking setting aside and quashing of the impugned orders dated 13.12.2023, 06.10.2023, 08.09.2023, 23.06.2023, 31.05.2023 and 29.03.2023 passed in G.R. Case No. 2795/2016 corresponding to Bihpuria Police Station Case No. 808/2016 under Sections

143/451/342/325/354/188/366/511 of the IPC by the learned Sub-Divisional Judicial Magistrate, Lakhimpur whereby NBWA was issued against the petitioner and another co-accused.

I have heard the submissions made at the bar and have perused the materials on record.

It appears from the order dated 03.01.2017 annexed as Annexure-III to the petition that the petitioner was granted bail by the Court of Sessions. Thereafter the trial has commenced and the petitioner accused being absent, summons was issued against the petitioner.

However, it appears from the order dated 29.03.2023 at page 22 of the petition that before the said summon was served to the accused petitioner, the Sub Divisional Judicial Magistrate, Lakhimpur on 29.03.2023 issued NBWA against the petitioner.

In view of the fact that the said NBWA was issued before the summon was served on the accused petitioner, this Court is of the opinion that it would be appropriate at this stage to direct the petitioner accused to appear before the Court of Sub Divisional Judicial Magistrate, Lakhimpur on the next date i.e. 27.02.2024 and upon his appearance, it is directed that the Court of Sub Divisional Judicial Magistrate, Lakhimpur, shall consider the prayer for bail.

With the aforesaid observations and directions, the Criminal Revision Petition stands disposed of.

JUDGE

Comparing Assistant