

GAHC010019012024



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

Case No. : Crl.Pet./129/2024

AKRAM ALI
S/O NASKAR ALI
R/O VILL- SHILGHAGRI
P.O. AND P.S. MANIKPUR
DIST. BONGAIGAON,
PIN-783392 (PERMANENT ADDRESS)

VERSUS

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

2:ANJUMA KHATUN
W/O MOHAMMAD ALI
R/O CHALANTAPARA
P.S. JOGIGHOPA
DIST. BONGAIGAON
ASSAM
PIN-78338

Advocate for the Petitioner : MR G CHAMUAH

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 20.02.2024

Heard Mr. G. Chamuah, learned counsel for the petitioner. Also heard Mr. M.P. Goswami, learned Additional Public Prosecutor appearing for the State and Ms. B. Dutta, learned counsel for the respondent No. 2.

The petitioner has filed this application under Section 482 Cr.P.C. seeking quashing of the order dated 03.11.2022 and subsequent orders passed by the learned Special Judge, North Salmara, Abhayapur in connection with Special (P) Case No. 78(J)/2022.

It has been submitted by the learned counsel for the petitioner that the investigating officer was never searched nor the petitioner has been arrested in connection with this case. It is further submitted that the petitioner came to know that NBWA has been issued against him since long. It is also submitted that the petitioner never received any summons from the learned trial court. Considering the fact, the learned counsel prayed that the NBWA issued against the petitioner may be suspended during the pendency of the aforesaid case.

Mr. Goswami, learned Addl.P.P. has no objection regarding the prayer of the petitioner. He submits that the NWBA issued against the petitioner shall be kept in abeyance during the pendency of the case.

I have considered the submissions made by the learned counsel for the parties.

Considering the fact as well as the nature of offence, the petitioner is directed to appear before the learned trial court within 10 days from today and if any bail application is filed, the same will be considered as per provision of law. Till such appearance of the petitioner before the trial court, the NBWA

issued against him, be kept in abeyance.

With the above observation, the present petition stands disposed of.

JUDGE

Comparing Assistant