

GAHC010021572024



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

Case No. : Crl.Pet./119/2024

MD. NABIBUL ALI
S/O AKBOR ALI
R/O AMSING JORABAT, NA-MILE
P.O. AND P.S. SATGAON
DIST. KAMRUP (M), ASSAM

VERSUS

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

2:SRI KESHAV PRADHAN
S/O SRI SURJYA KR. PRADHAN
R/O AMSING JORABAT
NA-MILE
P.O. AND P.S. SATGAON
DIST. KAMRUP (M)
ASSA

Advocate for the Petitioner : MR D R SAIKIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

07.02.2024

Heard Mr. D.R. Saikia, learned counsel for the petitioner and Ms. A. Begum, learned Additional Public Prosecutor for the State respondent.

2. In this petition, under Section 482 of the Cr.P.C., the petitioner namely, Md. Nabibul Ali has put to challenge the correctness or otherwise of the orders dated 03.03.2021, and 12.01.2024, passed by the learned Additional District and Sessions Judge No. 1, Kamrup [M] at Guwahati, in Sessions Case No. 172/2017.

3. It is to be noted here that vide order dated 03.03.2021, the learned court below has directed to issue Non-Bailable Warrant of Arrest [NBWA] against the petitioner and vide order dated 12.01.2024, learned court below has also directed to issue NBWA against the petitioner.

4. Mr. Saikia, learned counsel for the petitioner submits that the petitioner had been standing trial in Sessions Case No. 172/2017, since the year 2017 and due to Covid-19 Pandemic he could not appear before the learned court below on 03.03.2021, and thereafter, on 12.01.2024, he also could not appear before the learned court below, as he suffered stroke and other ailments. Mr. Saikia further submits that now the petitioner is ready to face trial and undertakes to appear before the learned court below on each and every date and therefore, it is contended that the impugned orders dated 03.03.2021, and 12.01.2024, passed by the learned Additional District and Sessions Judge No. 1, Kamrup [M] at Guwahati, in Sessions Case No. 172/2017, may be set aside and quashed.

5. On the other hand, Ms. Begum, learned Addl. P.P. referring to the Page No. 17 of the petition, which is a medical report of the petitioner, submits that the petitioner suffered stroke and others ailments also. However, Ms. Begum submits that the petitioner may be directed to appear before the learned court below.

6. It is not in dispute that in the year 2021 normal functioning of the court was disrupted due to Covid-19 Pandemic and the same continued for quite some time. Further, it appears that the petitioner suffered stroke and also he has been suffering from some ailments also and therefore, he could not appear before the learned court below.

7. Since the petitioner is ready to face trial and undertakes to appear before the learned court below on each and every date, this Court is of the view that the ends of justice will be meted out, if the petition is allowed by directing the petition to appear before the learned court below on or before 01.03.2024.

8. Accordingly, it is provided that the petitioner shall appear before the learned court below on or before **01.03.2024**, and shall apply for regular bail and in event of filing such a petition, the learned Court below shall consider the same in accordance with law. Till then, the NBWA issued against the petitioners, vide orders dated 03.03.2021, and 12.01.2024, passed by the learned Additional District and Sessions Judge No. 1, Kamrup [M] at Guwahati, in Sessions Case No. 172/2017, shall be kept in abeyance.

9. In terms of above, this Criminal Petition stands disposed of.

JUDGE

Comparing Assistant