

GAHC010021932024



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

Case No. : Crl.Pet./109/2024

TUSHAR TARPAN BHUYAN @ RAJDIP BHUYAN
S/O LT. LAKHI BHUYAN
R/O H. NO. 48, ANANDA NAGAR,
SIXMILE, DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR I RAFIQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 05-02-2024

Heard Mrs. S.A. Choudhury, learned counsel for the petitioner *Tushar Tarpan Bhuyan @ Rajdip Bhuyan*.

2. The petitioner has filed this application under Section 482 of the Code of Criminal Procedure, 1973 (CrPC for short) seeking quashing of the order dated

08.09.2023 passed by the learned Additional Chief Judicial Magistrate, Kamrup(M) in GR Case No. 9295/2016, issuing NBWA against the petitioner.

3. Heard Ms. B. Bhuyan, learned Additional Public Prosecutor for the respondent State assisted by the learned counsel Ms. B. Borah.

4. Notices have been accepted on behalf of the respondent State, so no formal notice is required to be issued. However, sufficient copies of the petition be furnished to the respondent during the course of the day.

5. The allegation against the petitioner is that he posed as the Additional SP of Kamrup (M) and after a discussion with the informant he assured to procure employment for the informant with the Food Corporation of India. In a similar manner, he also promised other aspiring candidates to procure employment for them and in this manner, he collected an amount of Rs.76,02,000/- (Seventy Six Lacs Two Thousand) from people who were desirous to be employed under the Government of Assam.

6. It is submitted that the petitioner was appearing regularly but as he was not well he could not appear on the date fixed. The petitioner has annexed his medical documents as Annexure-3 which clearly reveals that he was advised bed rest for one month and he was discharged on 01.09.2023. Annexure-2 of the petition reveals that on 15.05.2023, the petitioner was absent with steps and his petition was allowed but on 08.09.2023, he was unable to appear before the trial Court and NBWA was issued against him. The petitioner is willing to cooperate with the trial but as he is apprehending arrest the petitioner is before this Court.

7. I have considered the submissions at the bar with circumspection. The petitioner is directed to appear before the trial Court on 06.02.2024 and face

the trial. Till then, NBWA issued against him is kept in abeyance.

In the above terms this Criminal Petition stands disposed of.

JUDGE

Comparing Assistant