

GAHC010023002024



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

Case No. : Crl.Pet./132/2024

JUGANANDA PHUKAN
S/O LATE DULAL PHUKAN
R/O VILL- TULSIBARI
P.S. GOGAMUKH, DIST. DHEMAJI, ASSAM

VERSUS

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

2:SMT. MANIKA DS
W/O JATIN DAS
VILL- DEUDUBI
P.S. GOGAMUKH
DIST. DHEMAJI
ASSAM
PIN-78705

Advocate for the Petitioner : MR S N KRISHNATRAYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 13-02-2024

Heard Mr. S.N. Krishnatraya, learned counsel for the petitioner Jugananda Phukan.

The petitioner has filed this application u/s 482 Cr.PC seeking quashing of the order dated 17.01.2024 passed by the learned Special Judge, Dhemaji in connection with Special (POCSO) Case No. 170/2023.

Heard Mr. R.R. Kaushik, learned Addl. PP, Assam for respondent No. 1.

Seen the affidavit filed that notice has been served to respondent No. 2 through Dasti service.

Respondent No. 2 is not represented today.

The petitioner is willing to co-operate with the trial. It is submitted on behalf of the petitioner that on 11.12.2023 the learned trial Court in connection with Special (POCSO) Case No. 170/2023 issued summons to the petitioner who was shown as absconder in the charge-sheet. Thereafter on 04.01.2024 the petitioner was absent without steps. On 17.01.2024 the petitioner could not appear before the trial Court and NBWA was issued against him.

I have considered the submission that the petitioner is willing to co-operate with the trial. I have taken a pragmatic view. Trial has to progress.

NBWA issued against the petitioner vide order dated 17.01.2024 is kept in abeyance for 15 days. The petitioner is directed to appear before the learned trial Court within 15 days and co-operate with the trial. The petitioner may also file a bail petition with prayer for bail petition, which may be considered as per law.

Matter is closed.

JUDGE

Comparing Assistant