

GAHC010026602024



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

Case No. : Crl.Pet./170/2024

PIYAR ALI AND ANR
S/O LATE RAHMAT ALI
R/O VILL AND P.O. SATAMA
P.S. GHAGRAPAR
DIST. NALBARI, ASSAM

2: MUKESH ALI
S/O LATE RAHMAT ALI
R/O VILL AND P.O. SATAMA
P.S. GHAGRAPAR
DIST. NALBARI
ASSA

VERSUS

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

2:MISS. MARJINA BEGUM
W/O MD. FAJNUR ALI
R/O HURMA BATHAN
P.S. KAYAN
DIST. KAMRUP
ASSA

Advocate for the Petitioner : MR. K K HANDIQUE

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 16-02-2024

Heard Mr. K.K. Handique, learned counsel for the petitioners Piya Ali and Mukesh Ali.

2. The petitioners have filed this application under Section 482 of the Code of Criminal Procedure, 1973 (CrPC for short) in connection with GR Case No. 393/2014 arising out of Kayan Police Station Case N. 29/2014 registered under Sections 447/379/436 of the Indian Penal Code. Vide order dated 28.11.2017 by the learned Sub-Divisional Judicial Magistrate, Rangia in GR Case No. 393/2014, NBWA was issued against them.

3. It is submitted that the accused persons are not aware that NBWA was issued against them. The petitioners are willing to cooperate with the trial.

4. Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor for the respondent State. The learned Additional Public Prosecutor has accepted notice on behalf of the respondent No. 1, so no formal notice is required to be issued. However, sufficient copies of the petition be furnished during the course of the day.

5. I have considered the submissions at the bar. It is true that this case has been procrastinated due to the failure of the petitioner to appear before the trial Court and cooperate with the trial. However, I have taken a pragmatic view that the trial has to progress. The accused persons are willing to cooperate with the trial. It is also submitted that the accused persons were in Kerala and they were not aware that the case has been pending for a prolonged period.

6. Considering all aspects, NBWA issued against the petitioners are kept in abeyance for fifteen days. The petitioners are directed to appear before the learned trial Court and cooperate with the trial and apply for bail, which may be considered by the Court as per law.

In the above terms this Criminal Petition stands disposed of.

JUDGE

Comparing Assistant