

GAHC010028282024



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

Case No. : Crl.Pet./160/2024

MD ARFAN ALI
S/O SAHED ALI
R/O VILL- FOLIHAMARI
P.S. BHURAAGAON,
DIST. MORIGAON, ASSAM

VERSUS

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

2:HASHNARA BEGUM
W/O MD. ARFAN ALI
D/O KAJIM UDDIN
R/O VILL- HAIDUBI
P.S. BATADRAVA
DIST. NAGAON
ASSA

Advocate for the Petitioner : MR. J C GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

15.02.2024

Heard Mr B Islam, learned counsel for the petitioner, Md Arfan Ali.

2. The petitioner has filed this application under Section 482 CrPC, read with Section 397 CrPC, seeking quashing and setting aside and modification of the order dated 19.03.2016 and subsequent orders, thereafter, passed by the learned SDJM, Nagaon, Assam, in connection with PRC Case No. 790/2024, under Section 498-A IPC, arising out of Batadrava PS Case No. 16/2014, issuing NBWA against the petitioner

3. Heard Mr M P Goswami, learned Additional Public Prosecutor for the State of Assam.

4. The learned Additional Public Prosecutor has accepted notice on behalf of respondent No. 1. So, no formal notice is required to be issued to the respondent No. 1.

5. It is submitted on behalf of the petitioner that the petitioner was appearing regularly, in connection with the aforementioned case, but he went to Kerala for his livelihood. The case was fixed for argument, but the petitioner was not aware that the next date was fixed for argument, as he was at Kerala. He was also not informed by the learned counsel that NBWA was issued against him.

6. It is also further submitted that when the petitioner learnt about the warrant being issued against him, he appeared before the learned trial Court and applied for anticipatory bail, which was rejected by the learned trial Court. The petitioner is willing to cooperate with the trial, but as he is apprehending arrest, he has approached this Court, seeking relief.

7. I have taken a pragmatic view.

8. This case is pending for a prolonged period.
9. The petitioner, at present, is willing to cooperate with the trial. The NBWA issued against him is kept in abeyance for 15 days and within 15 days, the petitioner is directed to appear before the learned trial Court and cooperate with the trial. The petitioner may also apply for bail, which may be considered by the learned trial Court, as per law.
10. Matter is closed.

JUDGE

Comparing Assistant