

GAHC010038362024



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

Case No. : Crl.Pet./214/2024

SANJAY PURBEY
S/O FOU DAR PURBEY, VILL- SAHAR GHAT, P.S. SAHAR GHAT,
BARTUL, DIST.MADHUBANI, BIHAR,
PRESENTLY RESIDING AT RAILWAY COLONY, BAMUNIMAIDAM,
GUWAHATI-21.

VERSUS

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

2:KAJAL NAYAK
D/O SRI DINESH NAYAK

R/O HAFIZ NAGAR-2
P.S. PALTAN BAZAR
GUWAHATI-08
DIST. KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. H DAS

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

27.02.2024

Heard Mr. B. Sharma, learned counsel for the petitioner. Also heard Mr. B. Bhuyan, learned Additional Public Prosecutor for the State respondent.

This is an application filed under Section 482 of the Code of Criminal Procedure, 1973, praying for quashing of the NBWA (Non Bailable Warrant Arrest) and P & A (Proclamation & Attachment) issued in connection with Sessions (Spl.) POCSO Case No.61/2020 which is pending before the Court of the learned Special Judge (POCSO), Kamrup (M), Guwahati. .

The learned counsel for the petitioner, Mr. Sharma has submitted that the accused/petitioner namely Sanjay Purbey had never receipt any summon from the Court in connection with this case. He was also not aware about the pendency of this case, as because, the police never searched for him during the investigation of the case. He further submitted that the Trial Court had issued NBWA as well as P & A vide order dated 03.03.2023, 27.03.2023 and 04.05.2023 respectively against the accused/petitioner without issuing any summon to him. He also submits that the accused/petitioner is ready and willing to appear before the learned Trial Court to contest the case and accordingly, he prays for interim protection till his appearance before the said Court.

In this context, Ms. Bhuyan, learned Additional Public Prosecutor raised no objection in granting interim protection till appearance of the accused/petitioner before the learned Trial Court.

Considering the submissions of learned counsels for both sides and also considering the order passed by the learned Special Judge (POCSO), Kamrup (M), it is provided that the petitioner shall appear before the learned Court below within 10 (ten) days from today and on his appearance and on his filing a petition for grant of regular bail, the learned Court below shall consider the same in accordance with law. Till then, the NBWA issued against the accused/petitioner by the Trial Court, if any, shall be stayed.

In terms of above, this criminal petition stands disposed of.

JUDGE

Comparing Assistant