

GAHC010040222024



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

Case No. : Crl.Pet./232/2024

TARUN BHUYAN
S/O LATE MATIA BHUYAN
R/O VILL- MALIJAN TEA ESTATE
P.S. TEZPUR
DIST. SONITPUR,
PIN-784001

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

04.03.2024

Heard Mr. S.C. Biswas, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor, appearing for the State of Assam.

This criminal petition has been registered on filing of an application under Section 482 of the Code of Criminal Procedure, 1973 praying for quashing of the order dated 08.01.2024 issued by the learned Additional CJM, Sonitpur, Tezpur and the consequent order dated 25.01.2024.

The fact of the case is that on the basis of the FIR to the effect that the petitioner, who took three youths to Haryana for employment along with him, did not returned back. After completion of the investigation, charge-sheet was filed under Section 371 of the IPC and accordingly trial commenced.

Upon the petitioner defaulting in appearing in the trial, NBWA were issued by different dates, last date being 08.01.2024.

Mr. S.C. Biswas, learned counsel for the petitioner submits that the petitioner resides in the State of Haryana and though he had engaged a local counsel at Sonitpur, Tezpur, due to certain miscommunication, the lawyer defaulted in appearing because of which the petitioner was marked absent and consequently, the orders of NBWA were issued against him.

Mr. S.C. Biswas, learned counsel for the petitioner further submits that the petitioner is willing to co-operate and appear in all date before the trial court.

Mr. K.K. Parasar, learned Additional Public Prosecutor, on the other hand, fairly submits that if the petitioner is ready to appear before the trial court, the prayer for quashing is not opposed.

I have heard the submissions made at the bar and perused the materials on record.

It appears that by orders dated 06.10.2021, 21.12.2021, 22.02.2022, 09.05.2022, 25.07.2022, 30.09.2022, 20.12.2022, 10.03.2023, 16.05.2023, 25.07.2023, 17.10.2023, 08.01.2024 and 25.01.2024, NBWA were issued against the petitioner for non-appearance.

In view of the submissions of Mr. S.C. Biswas, learned counsel for the petitioner that the petitioner is willing to appear on the next date, this court is of the considered view that this criminal petition can be disposed of with a direction that the petitioner shall appear before the learned Additional CJM, Sonitpur, Tezpur within a period of 10(ten) days from today and till then the aforesaid orders dated 08.01.2021 passed by the learned Additional CJM, Sonitpur, Tezpur in PR Case No. 1759/2019 shall remain suspended.

With the above observations and directions, the instant Criminal Petition is hereby disposed of.

JUDGE

Comparing Assistant