

GAHC010044132024



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

Case No. : Crl.Pet./237/2024

MD SOROWAR HUSSAIN @ MD CHOWRUDDIN ALI
S/O- MD. ASMAT ALI, R/O- BANGAL PARA, P.S. HAJO, DISTRICT- KAMRUP
(R), ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY P.P., ASSAM

2:MD. IBRAHIM ALI
S/O- MD. YASIN ALI
R/O- TAPABORI
SOMRARI BAZAR
P.S. HAJO
DISTRICT- KAMRUP (R)
ASSA

Advocate for the Petitioner : MR. S M MOLLAH

Advocate for the Respondent : PP, ASSAM

BEFORE

HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

04.03.2024

Heard Mr. S.M. Mollah, learned counsel for the petitioner. Also heard Mr. K.K. Das, 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 interfering with the order dated 07.02.2024 passed in Sessions Case No. 124/2019 (corresponding to Hajo P.S. Case No. 552/2019 registered under Section 368 of the Indian Penal Code, now pending in the Court of learned Sessions Judge, Kamrup (R), Amingaon, whereby the non-bailable warrant of arrest was issued against the present petitioner and the order for proclamation and attachment of the petitioner was issued.

The case of the prosecution is that the petitioner had kidnapped a minor daughter of the informant and on the basis of this an FIR was lodged against him which is registered as Hajo P.S. Case No. 552/2019.

Pursuant to completion of investigation, charge-sheet was submitted and the matter was transferred to the court of learned Sessions Judge, Kamrup (R), at Amingaon, where trial commenced.

The petitioner was consequently absent for few appearances, for which non-bailable warrant of arrest was issued and consequently, proclamation and attachment of the petitioner was also issued.

Mr. S.M. Mollah, learned counsel for the petitioner, submits that the petitioner is willing to co-operate in the trial and assures to appear on the next date, i.e. on 28.03.2024.

Mr. K.K. Das, learned Additional Public Prosecutor strongly opposes the prayer in the instant petition and further submits that proclamation and attachment of the petitioner was also issued.

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

In view of the submissions made by the learned counsel for the petitioner to the effect that the petitioner is willing and ready to appear before the next date, i.e. 28.03.2024, this court is of the considered opinion that this petition can be disposed of with the direction that the accused petitioner shall appear on the next date, i.e. on 28.03.2024 before the court of learned Sessions Judge, Kamrup (R), at Amingaon, Guwahati and till then, the petitioner shall not be arrested.

In view of the said direction, the order dated 07.02.2024 is accordingly kept in abeyance.

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

JUDGE

Comparing Assistant