

GAHC010046212024



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

Case No. : Crl.Rev.P./80/2024

RUPESH KUMAR
S/O SRI RAM BAHADUR
T/A C/O TINKU YADAV
R/O JYOTIKUCHI
P.S. FATASIL AMBARI
DIST. KAMRUP (M), ASSAM
P/A VILL- EICHARIA
P.S. KHAGRIA
DIST. KHAGRIA, BIHAR.

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

06.03.2024

Heard Mr. B. Chowdhury, learned counsel for the petitioner. Also heard Mr.

P. Borthakur, learned Additional Public Prosecutor for the State of Assam.

This is an application under Section 401/397 read with Section 482 of the Code of Criminal Procedure, 1973 praying for setting aside and quashing of the impugned orders dated 11.01.2024, 08.11.2023, 21.08.2023, 20.06.2023, 02.05.2023, 04.03.2023, 27.01.2023, 25.11.2022, 12.08.2022 passed in NDPS Case No. 121/2021, corresponding to Garchuk Police Station Case No. 366/2020 registered under Section 21(b)/29 of the NDPS Act, 1985 by the learned Additional Sessions Judge No. 5, Kamrup (M), Guwahati, whereby, NBWA was issued against the petitioner and another co-accused Md. Faruk Khanand.

The facts of the case is that the petitioner was arrested in connection with the aforesaid case and thereby, he was released on bail, by order dated 10.09.2020. Thereafter, trial has commenced. However, the petitioner after initially appearing before the trial court, stopped appearing before the trial court. Accordingly, by orders dated 11.01.2024, 08.11.2023, 21.08.2023, 20.06.2023, 02.05.2023, 04.03.2023, 27.01.2023, 25.11.2022, 12.08.2022, NBWA was issued against the petitioner.

Mr. B. Chowdhury, learned counsel for the petitioner submits that the petitioner is willing to co-operate with the ongoing trial and shall appear before the trial court on all dates fixed from time to time.

Mr. P. Borthakur, learned Additional Public Prosecutor submits that, if the petitioner appear regularly on all dates fixed from time to time, he has no objection to the prayer made in this criminal revision petition.

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

In view of the endorsement made by the learned counsel for the petitioner, to the effect that the petitioner is ready and willing to appear

regularly on all dates fixed from time to time before the trial court, this court is of the considered view that this petition can be disposed of with the direction to the petitioner to appear before the trial court within 15 days and subject to such appearance, the orders dated 11.01.2024, 08.11.2023, 21.08.2023, 20.06.2023, 02.05.2023, 04.03.2023, 27.01.2023, 25.11.2022, 12.08.2022 shall stand suspended. In the meantime, till 15 days, he shall not be arrested.

With the aforesaid observations and directions, this criminal revision petition stands disposed of.

JUDGE

Comparing Assistant