

GAHC010050192024



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

Case No. : Crl.Rev.P./98/2024

NABAJIT SINGH @ NAVJOT SINGH
S/O RAGHUVIR SINGH
R/O VILL- KAPAHAT,
P.S. HARIANA,
DIST. HOSHIARPUR.

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR GAURAV R DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

15.03.2024

Heard Mr. G.R. Dutta, learned counsel for the petitioner. Also heard Ms. A. Begum, learned Addl. P.P, Assam for the State respondent.

This is an application under Section 397 read with Section 401 of Cr.PC,

1973 for setting aside and quashing the impugned Order dated 22.01.2024 passed in connection with Session Case No. 90/2014 by the learned Court of District & Sessions Judge, Kamrup, Amingaon.

The case of the petitioner is that on 13.10.2012, the informant lodged an FIR alleging that in the evening, the petitioner alongwith two other co-accused hailed from Punjab came and under the pretext of giving her on marriage with Navojit Singh took her minor niece to Punjab. Though with the cooperation of the village people, the informant's niece could be recovered. However, it is suspected that the accused persons plan to sell her in the hands of some unknown persons. Accordingly, an FIR was registered under Sections 372/373/34 IPC and under Section 5 of Immoral Traffic (Prevention) Act, 1956.

Thereafter, the case was committed under Section 209 Cr.PC to the Court of Addl. Sessions Judge-1, Guwahati for disposal. The petitioner was produced from jail and thereafter, he was released on bail by the Criminal Court vide Order dated 02.03.2013. Subsequently, the petitioner appeared before the Criminal Court. However, due to the fact that he is from Punjab, he remained absent in the subsequent date and accordingly, W/A and P/A were issued by Order dated 22.01.2024.

Mr. G.R. Dutta, learned counsel for the petitioner submits that the petitioner is willing to appear on the next date before the Criminal Court which is on 19.03.2024.

Ms. A. Begum, learned Addl. P.P submits that if the petitioner is willing to appear on the next date, she does not oppose the prayer.

In the interest of justice, this Court is of the considered view that this criminal revision petition can be disposed of with a direction that the petitioner shall appear before the Court of District & Sessions Judge, Kamrup, Amingaon on 19.03.2024 and till then, he shall not be arrested.

It is needless to clarify that upon his appearance, the Criminal Court shall consider the prayer for bail on its own merit.

With the aforesaid observation and direction, this criminal revision petition stands disposed of.

JUDGE

Comparing Assistant