

GAHC010053112024



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

Case No. : Crl.Rev.P./114/2024

MD. BAHARUL ISLAM
S/O LATE ABDUS SUKUR MAHMUD
PERMANENT RESIDENT OF VILL-CHAKERBITA, P.O. KHABLARBITA, P.S.
BARPETA, DIST. BARPETA, ASSAM
PRESENTLY RESIDING AT SAATGAON, NEAR ARMY CANTONMENT, P.O.
AND P.S. SAATGAON, GUWAHATI-781027, IN THE DISTRICT OF KAMRUP
(M), ASSAM

VERSUS

SALEHAH HUSSAIN UTHMAN AND ANR (A)
D/O AHMED HUSSAIN CHOUDHURY
R/O UTHMAN BHAWNA, HOUSE NO. 77, ANUPAM NAGAR, HATIGAON,
GUWAHATI-781038, DIST. KAMRUP (M), ASSAM

2:THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR

Advocate for the Petitioner : MR G BORDOLOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 03.04.2024

Heard Mr. G. Bordoloi, learned counsel for the petitioner. Also heard
Mr. D.P. Goswami, learned Addl.P.P. for the State/respondent No.2.

This is an application under Section 481 and 397 r/w Section 482 for setting aside the order dated 07.02.2024 passed by the Munsiff No. 3 cum JMFC, Kamrup(M), Guwahati in connection with C.R. Case No. 990/2017.

It is submitted by the learned counsel for the petitioner that during the period of Covid-19 since 2020, the petitioner was not in a position to appear before the trial court and the court was also not functioning properly as a result of which, warrant of arrest was issued against the petitioner. It is also submitted that in those days, complainant was also absent, in spite of that warrant of arrest was issued against the petitioner. The complaint case was registered under Section 406 IPC against the petitioner. It is further submitted by the learned counsel for the petitioner that the petitioner is now ready to appear before the trial court to face the trial. Therefore, warrant of arrest may be suspended.

On the other hand, Mr. Goswami, learned Addl.P.P. submits that the petitioner may be allowed to appear before the trial court.

Considering the submission made by the learned counsel for the parties, the revision petition is disposed of with a direction to the petitioner to appear before the trial court and if any bail application is filed, the same shall be considered in accordance with law. During that period, the warrant of arrest issued against the petitioner be kept in abeyance.

JUDGE

Comparing Assistant