

GAHC010054842024



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

Case No. : Crl.Pet./292/2024

BISWAJIT BHAGAWATI
S/O SRI KUMUD BHAGAWATI, R/O BHAGAWATI CHUK, MADHAB,
JAMUGURIHAT, P.O. AND P.S.-JAMUGURIHAT, DIST- SONITPUR, ASSAM,
PIN-784180

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:DR. AMRIT KUMAR BARUAH
S/O LATE CHANDRA KANTA BARUAH
R/O GRAHAM BAZAR
P.O. AND P.S.-DIBRUGARH
DIST- DIBRUGARH
ASSAM
PIN-78600

Advocate for the Petitioner : MR. D HAZARIKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 18-03-2024

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

Sharma, learned Additional Public Prosecutor.

This application under Section 482 of the Code of Criminal Procedure, 1973 has been filed by the petitioner namely, Sri Biswajit Bhagawati impugning the order dated 22.02.2024 and earlier orders by which the learned Judicial Magistrate, First Class, Dibrugarh had issued non-bailable warrant of arrest against the petitioner in Case No.(N.I. Act) 91/2016.

It is submitted by the learned counsel for the petitioner that the respondent no. 2 had filed a C.R. (N.I. Act) case no. 91/2016 under Section 138 of the N.I. Act against the present petitioner and the petitioner has engaged an advocate to defend him in the said case. However, during the pendency of the said case, it was made to the known to the petitioner that there is possibility of compromise between the petitioner and the respondent no. 2 and thereafter due to communication gap, the counsel for the petitioner did not take steps in the said case and hence, non-bailable warrants of arrest were issued against the present petitioner. Now, it is submitted by the learned counsel for the petitioner that the petitioner is ready to appear before the trial court on next date fixed i.e. on 19.04.2024 and he may be given interim protection so as to facilitate his appearance before the trial court.

Learned Additional Public Prosecutor has submitted that on perusal of the record, it appears that he has defaulted on several occasions to appear before the trial court.

I have considered the submissions made by the learned counsel for both sides and perused the materials available in the case record. Considering the grounds taken by the petitioner in this criminal petition as well as considering

the fact that the petitioner is willing to cooperate in the trial and ready to appear before the trial court on the next date fixed i.e. on 19.04.2024, this criminal petition is disposed of with a direction to the petitioner that he shall appear before the trial court i.e. the Court of learned Judicial Magistrate, First Class, Dibrugarh on 19.04.2024 to facilitate his appearance before the said Court.

The operation of non-bailable warrant of arrest issued against the petitioner shall be kept in abeyance till 19.04.2024. On his appearance before the trial court, the petitioner may seek any other relief to which he is entitled to.

With the above observation, this criminal petition is hereby disposed of.

JUDGE

Comparing Assistant