

GAHC010054862024



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

Case No. : Crl.Pet./291/2024

FAZAL AHMED LASKAR @ FAZAL AHMED
S/O LATE MOZAMIL ALI LASKAR, R/O VILL- DHONEHARI PART-II, P.S.-
SONAI, DIST- CACHAR, ASSAM

VERSUS

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

2:MAYA HAZAM
W/O SHIBU HAZAM
R/O VILL- SAIDPUR PART-V
P.S.-SILCHAR
DIST- CACHAR
ASSAM
PIN-78801

Advocate for the Petitioner : MR. L R MAZUMDER

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 18-03-2024

Heard Mr. L.R. Mazumder, 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, Fazal Ahmed Laskar @ Fazal Ahmed praying for quashing the impugned Order dated 07.11.2023 passed by the learned Chief Judicial Magistrate, Cachar in PRC Case no. 1889/2020 whereby the court issued non-bailable warrant of arrest against the present petitioner.

It is submitted by the learned counsel for the petitioner that during the course of investigation of the case, the petitioner was granted default bail by Order dated 17.09.2019 passed by the learned Judicial Magistrate, First Class, Silchar, Cachar. However, it is also submitted that after filing of the charge sheet, summons were issued to the petitioner which were received by the family members of the petitioner as he had gone to Bangalore for earning livelihood. Now, it has come to the notice of the petitioner that already non-bailable warrant of arrest is issued against him. It is submitted by the learned counsel for the petitioner that as the petitioner is a labourer and is ignorant about the procedure, he failed to appear before the trial court. However, he is willing to appear before the trial court and face trial in PRC Case no. 1889/2020 and has prayed for facilitating his appearance before the trial court.

Learned Additional Public Prosecutor has not opposed the prayer as the petitioner is willing to cooperate in his trial.

Considering the submissions made by the learned counsel for both sides, this criminal petition is disposed of with a direction to the petitioner to appear before the learned Chief Judicial Magistrate, Cachar, Silchar within 15 (fifteen)

days from the date of this order and to facilitate his appearance before the Court.

The non-bailable warrant of arrest issued against the petitioner shall be kept in abeyance till his appearance before the Court of learned Chief Judicial Magistrate, Cachar.

The petitioner may make prayer for any other relief to which he is entitled.

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

JUDGE

Comparing Assistant