

GAHC010054962024



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

Case No. : Crl.Pet./295/2024

KOALIYA BHUYAN @ PURNAKANTA
S/O LATE NAGEN BHUYAN, R/O VILL- KAITONG, PETPHUTA GAON, P.O.-
KAITONG, P.S.-DHEMAJI, DIST- DHEMAJI, ASSAM

VERSUS

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

2:SMTI. LAKHIMAI BORUAH
W/O SRI DULU BORUAH
VILL- KAITONG PETPHUTA
P.O.-KAITONG
P.S.-MACHKUWA OUT POST
DIST AND P.S.-DHEMAJ

Advocate for the Petitioner : R L CHUTIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

18.03.2024

Heard Mr. A. Khanikar, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam.

This application under Section 482 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Koaliya Bhuyan @Purnakanta, impugning the order dated 01.10.2018, passed in 104/2018 whereby, the court of learned Additional Chief Judicial Magistrate had issued standing non-bailable warrant of arrest against the present petitioner and the PRC Case No. 104/2018 was filed till production of the petitioner before the said court.

Learned counsel for the petitioner has submitted that though the case, i.e. PRC Case No. 104/2018 was filed by the court of learned Additional Chief Judicial Magistrate, Dhemaji on 01.12.2018, the petitioner came to know about the pendency of the said PRC case only in the month of February, 2024 and he also came to know that a pending warrant of arrest has also been issued against the present petitioner.

It is also submitted by the learned counsel for the petitioner that the petitioner is willing to appear before the trial court and co-operate in his trial and he may be given interim protection so as to facilitate his appearance before the trial court.

Considering the submissions made by the learned counsel for the petitioner as well as considering the materials available on record, this criminal petition is hereby disposed of with a direction that the above named petitioner, shall appear before the court of learned Additional Chief Judicial Magistrate, Dhemaji within a period of 15 days from the date of this order and co-operate in his trial. To facilitate his appearance before the said court, the operation of standing non-bailable warrant of arrest issued against him by the learned Additional Chief Judicial Magistrate, Dhemaji shall be kept in abeyance for next 15 days.

After his appearance before the said court, the petitioner may make

prayer for any such relief before the said court to which he is legally entitled to.

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

JUDGE

Comparing Assistant