

GAHC010056122024



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

Case No. : Crl.Pet./313/2024

MD. TAYZUL HUSSAIN @ FAIZUL
S/O NURUJ ALI
R/O VILL- BERATUK
P.S. RAMRISHNANAGAR
DIST. KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
TO BE REP. BY THE PP, ASSAM

2:BISHNU KUMAR GUHA
S/O LT. AMIYA KUMAR GUHA
R/O VILL- SAIDING
P.S. MAIBANG
DIST. DIMA HASAO
ASSA

Advocate for the Petitioner : MR. M A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

19.03.2024

Heard Mr. M.A. Choudhury, learned counsel for the petitioner.

This application under Section 482 of the Code of Criminal Procedure, 1973 read with Article 227 of the Constitution of India has been filed by the petitioner, Md. Tayzul Hussain @ Faizul, impugning the Judgment and Order dated 28.11.2023, whereby non-bailable warrant of arrest as well Proclamation & Attachment were issued by learned Chief Judicial Magistrate, Dima Hasao, Haflong.

Learned counsel for the petitioner has submitted that by order dated 18.12.2019, the petitioner was allowed to go on bail of Rs. 20,000/- by the court of learned Chief Judicial Magistrate, Dima Hasao, Haflong. However, there was an outbreak of covid-19 and during that period summons were issued to the petitioner.

It is submitted by the learned counsel for the petitioner that due to outbreak of covid-19, the petitioner had shifted to his maternal uncle's place and therefore, he had not received the summons issued by the court.

In the meanwhile, the trial court issued non-bailable warrant of arrest against him and also passed the order which has been impugned in this case.

It is submitted by the learned counsel for the petitioner that very recently, the bailor of the present petitioner, who took his bail initially in this case had informed him that regarding issuance of non-bailable warrant of arrest against him.

It is submitted by the learned counsel for the petitioner that the petitioner has not willfully defaulted in appearing before the court and he is ready to co-operate in his trial and appear before the trial court and seeks some protection so that he may appear before the trial court on the next date fixed, i.e. on 22.03.2024.

I have considered the submissions made by the learned counsel for both

the sides and have perused the materials available on record.

Considering the submissions made by the learned counsel for the petitioner that the petitioner is willing to co-operate in the trial and he is seeking only an interim protection, so that he may appear before the trial court.

This criminal petition is disposed of with a direction that the petitioner shall appear before the court of learned Chief Judicial Magistrate, Dima Hasao, Haflong in PRC Case No.122/2019, corresponding to G.R. Case No. 314/2019 on 22.03.2024, and to facilitate his appearance before the trial court on the said date, the operation of impugned order dated 28.11.2023 as well as the operation of non-bailable warrant of arrest issued against the above named petitioner shall be kept in abeyance till that date.

On his appearance before the trial court, the petitioner may pray for any relief before that court to which he is legally entitled to.

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

JUDGE

Comparing Assistant