

GAHC010058902024



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

Case No. : Crl.Pet./329/2024

JUNMONI DIHINGIA
S/O LATE TUKESWAR DIHINGIA, R/O VILL- NAHARANI, P.S.-MORAN, DIST-
DIBRUGARH, ASSAM

VERSUS

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

2:RANJIT KUMAR BORAH
ASI
S/O LATE HARIPAD BORAH
R/O TEOK SONARI GAON
P.O. AND P.S.-TEOK
DIST- JORHAT
ASSAM
PIN

Advocate for the Petitioner : MR. S ISLAM
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

28.03.2024

Heard Mr. S. Islam learned counsel for the petitioner and Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam.

By this petition under Section 482 Cr.P.C., the petitioner has prayed for setting aside and quashing the impugned orders dated 22.11.2023 and subsequent orders passed by the learned Additional Session Judge, Dibrugarh whereby NBWA was issued against the petitioner.

It is submitted by the learned counsel for the petitioner that due to illness, the petitioner was unable to appear before the trial court as a result of which warrant of arrest was issued.

I have perused the order of the trial Court which reflects that the accused petitioner has not appeared before the court for last one year as such the proceeding of the case is delayed and warrant of arrest was issued against the petitioner.

Learned Additional Public Prosecutor submits that the petitioner may be allowed to appear before the trial court to face trial.

In view of above, the criminal petition is disposed of with a direction to the petitioner to appear before the trial court on 02.04.2024 and if any bail application is filed, the learned trial court will consider the matter in accordance with law. Till 02.04.2024, warrant of arrest be kept in abeyance.

If the petitioner has failed to appear before the trial court on 02.04.2024, the learned trial court is at liberty to pass any such order in accordance with law to procure his attendance before the court.

JUDGE

Comparing Assistant