

GAHC010065672024



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

Case No. : Crl.Pet./368/2024

TAHEJ UDDIN AND 4 ORS
S/O NUR ISLAM, VILL- SONAPUR, P.O.-DUBAPARA, P.S.-MORNOI, DIST-
GOALPARA, ASSAM, PIN-783101

2: IBRAHIM ALI @ EBRAHIM ALI
S/O HANIF ALI
VILL- NO. 3 BALADMARI (KARKANA BAZAR)
P.O.-DUBAPARA
P.S.-MORNOI
DIST-GOALPARA
ASSAM
PIN-783101

3: FULCHAN ALI @ FULCHAND ALI
S/O NOZIMUDDIN
VILL- DUBAPARA (LUPTACHAR)
P.O.-DUBAPARA
P.S.-MORNOI
DIST-GOALPARA
ASSAM
PIN-783101

4: MOHOR ALI
S/O ALI AKBAR
VILL- SONAPUR
P.O.-DUBAPARA
P.S.-MORNOI
DIST-GOALPARA
ASSAM
PIN-783101

5: SONAULLAH
S/O NOZIMUDDIN
VILL- DUBAPARA (LUPTACHAR)

P.O.-DUBAPARA
P.S.-MORNOI
DIST-GOALPARA
ASSAM
PIN-78310

VERSUS

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

2:NAYEB ALI
S/O LT. HASHEM ALI
VILL- DUBAPARA (LUPTACHAR)
P.O.-DUBAPARA
P.S.-GOALPARA (RIVER)
DIST-GOALPARA
ASSAM
PIN-78310

Advocate for the Petitioner : MR. M R KHANDAKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 05.04. 2024

Heard Mr. MR Khandakar, learned counsel for the petitioners and Mr. BB Gogoi, learned Addl. PP for the State respondent No. 1.

This is an application under Section 482 of Cr.P.C. for quashing the impugned order dated 29.02.2024, passed in PRC No. 1187/2022 by the learned Add. Chief Judicial Magistrate, Goalpara in connection with Goalpara RPS Case No. 03/2019 (Corresponding to G.R. Case No. 562/2019) under Sections 120B/147/148/149/ 447/427/326/307 IPC.

It is submitted by the learned counsel for the petitioners that the learned

Magistrate has issued non-bailable warrant of arrest (NBWA) against the accused/ petitioners by violating the provisions of Section 73 and 87 of Cr.P.C. Learned counsel further submits that the petitioners have no knowledge regarding pendency of this case. Considering the facts and circumstances of the case, warrant of arrest may be recalled.

The learned Addl. PP has submitted that as the charge sheet has been submitted and the case is pending for trial, the petitioners may approach before the trial court seeking regular bail.

I have perused the order dated 29/02/2024 which reveals that summons were issued to the petitioners, which were duly served. Then the petitioners filed application before the court seeking time for their appearance before the Court. As the petitioners did not appear, NBWA was issued against them. As such there is no violation of the provisions of law, as stated by the learned counsel for the petitioners. However, the petitioners may approach before the concerned court seeking regular bail and in the event of filing such application, the learned court shall consider the matter in accordance with law.

The criminal petition stands disposed of.

JUDGE

Comparing Assistant