

GAHC010065772024



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

Case No. : Crl.Pet./369/2024

HEMANTA SADHANIDHAR
S/O LATE GHANASHYAM SDHANIDAR
R/O KAKOTIBARI, P.S. KAKOTIBARI
DIST. CHARAIDEO, ASSAM

VERSUS

MD. MUJAHID AHMED
S/O MD. RAFIKUDDIN BARBHUYAN
R/O TILOK GAON BHOJO
P.S. SONARI, DIST. CHARAIDEO, ASSAM

Advocate for the Petitioner : MR B P BORAH

Advocate for the Respondent :

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 05.04.2024

Heard Mr. P.J. Dutta, learned counsel for the petitioner. also heard Mr. R.R.Kaushik, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 482 Cr.P.C. for setting aside and quashing of the impugned

judgment and order dated 12.03.2024 passed by the learned SDJM, Charaideo in NI Case No.8/2019 and thereby issued NBWA against the present accused/petitioner. It is submitted by the learned counsel for the petitioner that he was convicted by the SDJM(M) Charaideo, Sonari in NI Case No.8/2019 under Section 138 of the NI Act and thereby sentenced to undergo SI for one month and further to pay compensation of Rs.9 lacs, in default, SI for another 15 days.

While passing the order, the validity of the bail bond was extended for six months and further the learned Magistrate fixed on 12.03.2024 for production of order of the appellate court. On 12.03.2024, the present accused/petitioner could not appear before the Court below due to personal difficulties and within the said period he also could not file the appeal against the order of conviction as he could not arrange 20% of the cheque amount for filing appeal. However, in the meantime, he is ready to file appeal against the said order of conviction and he is ready to appear/surrender before the Court below till 12.04.2024.

Considering the submissions made by the learned counsel for both sides and also considering the fact that on 12.03.2024 he filed an application seeking time/extension of time to file the stay order/order of the appellate Court and also considering the other aspect of the case, the order dated 12.03.2024 passed by the learned SDJM(I/C), Charaideo, issued NBWA is issued against the present accused/petitioner is hereby stayed/suspended till 12.04.2024 and the execution of NBWA against the accused petitioner is also stayed with a direction to appear before the Court below on or before 12.04.2024.

With the above observation, the petition stands disposed of.

JUDGE

Comparing Assistant