

GAHC010070742024



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

Case No. : Crl.Pet./384/2024

SANOWAR ALI
S/O KAMUR UDDIN, R/O VILL- BASHBARI NO. 7, P.S.-MANIKPUR, DIST-
BONGAIGAON, ASSAM, PIN-783360

VERSUS

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

2:ACHUR UDDIN (FATHER OF THE VICTIM)
S/O ABUL HUSSAIN
R/O VILL- GOLAPARA PT-IV
P.S.-ABHAYAPURI
DIST- BONGAIGAON
ASSA

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

03.05.2024

Heard Mr.M. Khan, learned counsel for the petitioner. Also heard Mr. R.
R. Kaushik, learned Additional Public Prosecutor appearing for the State

respondent No.1 and Mr. A. Rahman, learned counsel appearing for respondent No.2.

By this application under Section 482 Cr.P.C., the petitioner has prayed for quashing of the order dated 26.05.2023 and the subsequent orders issuing NBWA against the petitioner in Special(P) Case No. 54(M)/2023, pending in the court of learned Special Judge, Bongaigaon.

It is submitted by the learned counsel for the petitioner that the petitioner is the husband of the victim. It is also submitted that prior to filing of the FIR, the petitioner got married to the victim and out of their wedlock, one child was born. The FIR was lodged by another person, not the relative or any family member of the victim.

Learned counsel for the petitioner further has submitted that though the petitioner was shown as an absconder in the charge-sheet but on the very first day instead of issuing summon, the trial court issued warrant of arrest against the petitioner. Therefore, he has prayed that warrant of arrest issued against the petitioner be recalled and the petitioner is ready to face the trial.

Mr. R. R. Kaushik, learned Additional Public Prosecutor and Mr. A. Rahman, learned counsel appearing for respondent No.2 have made no objection to the prayer made on behalf of the petitioner.

Accordingly, the petitioner is directed to approach before the trial court seeking regular bail.

In the event of filing any bail application, the trial court shall consider and dispose of the same in accordance with law.

Till his appearance before the trial court, the warrant of arrest issued against the petitioner shall be kept in abeyance.

Accordingly, criminal petition stands disposed of.

JUDGE

Comparing Assistant