

GAHC010070762024



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

Case No. : Crl.Pet./418/2024

KALAM SK @ KALAM SHEIKH
S/O LATE KALIMUDDIN SK, VILL- BARJANA PART - III, P.S.-JOGIGHOPA,
DIST- BONGAIGAON, ASSAM, P/R/A VILL- 6 NO. CHAR, P.S.-JOGIGHOPA,
DIST- BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. I RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 17.05.2024

Heard Mr. S. Rana, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State.

This application has been preferred under Section 482 Cr.P.C., against the impugned orders dated 06.03.2020 and 07.07.2022 passed by the

learned SDJM(M), North Salmara, Abhayapuri, Bongaigaon in PRC Case No. 298/2019 under Section 498(A) IPC, whereby NBWA was issued against the petitioner.

It has been submitted by the learned counsel for the petitioner that though the wife of the petitioner lodged an FIR but subsequently, the matter has been settled between them and since 2021, the petitioner and the victim have been living together. In support of the fact, the learned counsel for the petitioner has submitted one affidavit by stating that both the petitioner and the victim(wife) have amicably settled the dispute and resumed their conjugal life as husband wife.

It is further submitted that as matter has been settled between the parties, the petitioner did not appear before the trial court, as such, warrant of arrest was issued and subsequently P/A also issued against him and after examination of Executing Officer, the case was filed against the petitioner. Under such backdrop, the learned counsel for the petitioner has prayed that the warrant of arrest and P/A be recalled.

On the other hand, Mr. Sarma, learned Additional Public Prosecutor has submitted that as the matter has been amicably settled between the parties, the petitioner may approach before the trial court showing the grounds of his absence during such period before the trial court and may seek regular bail in connection with this case.

I have considered the submissions made by the learned counsel for the parties.

In view of the above, the petitioner is directed to appear before the trial court within 15 days from today and if any bail application is filed,

the same will be considered in accordance with law. Till such appearance of the petitioner before the trial court, the warrant of arrest and P/A issued against him, be kept in abeyance.

The criminal petition stands disposed of accordingly.

JUDGE

Comparing Assistant