

GAHC010071572024



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

Case No. : Crl.Pet./400/2024

RAJ LAHKAR @ RAJA
S/O LT DHIREN LAHKAR, R/O H.NO. 95 BAKRAPARA, P.S.-BASISTHA , DIST-
KAMRUP (M)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS. K MALAKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 08.04.2024

Heard Ms. K. Malakar, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 482 read with Section 401 Cr.P.C against the order dated 03.11.2022, 20.02.2023, 19.06.2026, 12.10.2023 and 20.02.2024 passed by the learned JMFC, Kamrup(M) in connection with PRC Case No.1979/2018.

It is submitted by the learned counsel for the petitioner that the accused was regularly appearing before the Court below. However, on 03.11.2022, the petitioner could not appear before the Court below due to kidney failure of his father and he could not contact his engaged counsel to file petition on his behalf. In the meantime, the father of the petitioner died on 04.02.2024. To substantiate the same, cremation certificate is also annexed as Annexure-8 to the petition. However he is still ready to appear before the Court below and to contest the case, if he is allowed to go on bail.

In that regard, Mr. P. Borthakur, learned Additional Public Prosecutor has submitted that the accused/petitioner may be directed to appear before the Court below with an appropriate application for bail, which may be considered in accordance with law.

After hearing the submissions made by the learned counsel for both sides and also considering the fact that NBWA was issued only for absence on that single date, I hereby direct the accused/petitioner to appear before the learned Court below with an appropriate application for bail within ten days from the date of this order which may be considered by the Court below in accordance with law.

However till then, further execution of NBWA issued against the accused/petitioner in PRC Case No.1979/2018 pending in the Court of learned JMFC, Kamrup(M) be stayed/suspended.

With the above observation and direction, the criminal petition stands disposed of.

JUDGE

Comparing Assistant