

GAHC010071662024



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

**Case No. : Crl.Pet./399/2024**

SMTI. ARATI DEKA  
W/O LATE RABINDRA MAJUMDAR, R/O VILL- NAMDONGA, P.O.-  
BALILECHA, P.S.-NALBARI, DIST- NALBARI, ASSAM, PIN-781334

VERSUS

THE STATE OF ASSAM AND ANR  
NIL

2:PRANAB JYOTI BARMAN  
S/O DR. PROMOD CH. BARMAN  
R/O RUKMINI NAGAR  
H/NO. 31  
P.S.-DISPUR  
GUWAHATI-06  
DIST- KAMRUP (M)  
ASSA

**Advocate for the Petitioner : MR. S BARMAN**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MRS. JUSTICE MITALI THAKURIA**

**ORDER**

**Date : 08.04.2024**

Heard Mr. S. Barman, 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 397 Cr.P.C against the impugned order dated 22.12.2023 passed in C.R. Case No.2268/2016, whereby, the NBWA was issued against the petitioner because of his absence on that particular date.

It is submitted by the learned counsel for the petitioner that the accused was regularly appearing before the Court below. However, on 22.12.2023, due to illness he could not appear before the Court below nor he could inform his engaged counsel and for which NBWA was issued against him. 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, the execution of NBWA be stayed/suspended.

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

**JUDGE**

**Comparing Assistant**