

GAHC010073222024



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

Case No. : Crl.Pet./410/2024

SMTI. USHARANI SHYAM @ USHA SHYAM
D/O PUSPA SHYAM, R/O NIZ MANKOTA KHANIA GAON, P.O.-C.R.
BUILDING, P.S.-MILAN NAGAR, DIST-DIBRUGARH, ASSAM

VERSUS

HARI NARAYAN DEORI
S/O SRI SASHI PRASAD DEORI, R/O WARD NO. 3, NAKARI, P.O. AND P.S.-
NORTH LAKHIMPUR, DIST- LAKHIMPUR, ASSAM, PIN-787001

Advocate for the Petitioner : MR. S ISLAM

Advocate for the Respondent :

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 09.04.2024

Heard Mr. S. Islam, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 482 Cr.P.C., 1973 for setting aside and quashing the impugned orders dated 17.06.2023 and subsequent orders passed by the learned Judicial Magistrate 1st Class, Lakhimpur and thereby issued NBWA against the present petitioner.

It is submitted by the learned counsel for the petitioner that earlier the petitioner approached this Court with a prayer for interim protection till her appearance before the learned Court below and on the basis of the said, the interim order was passed on 23.02.2024 in CrI.Pet.203/2024 wherein, the present petitioner was directed to appear before the learned Court Below on or before 28.02.2024 for filing fresh application for regular bail. However, she could not appear before the Court Below as the case number was not inadvertently mentioned in the order passed by this Court in CrI.Pet. 203/2024. However, the petitioner has been approached this Court for correction/modification of the order dated 23.02.2024 by filing I.A.(CrI.) 249/2024 and as the Bench was not available, it was fixed on 27.03.2024 and accordingly, the order was corrected/modified with a direction to appear before the learned Court below positively on or before 28.03.2024 which was fixed for her appearance. But the order was uploaded in the later part of the day and she could obtain the certified copy only on 28.03.2024 and thus it was not possible on her part to appear before the Court below on 28.03.2024 and accordingly, the present petition has been filed seeking extension of time to appear before the Court below which is fixed on 26.04.2024.

Further it is submitted by the learned counsel for the petitioner that due to some unavoidable circumstance only, the petitioner could not appear before the Court below with a fresh bail application. However, she is ready and willing to appear before the Court below if time is extended for her appearance before the learned trial Court below.

Considering the entire aspects of the matter and the submissions made by the learned counsel for the petitioner, I find it proper to allow the present petition directing the accused/petitioner to appear before the learned Court below within 7 days from the date of order and to file fresh application for bail, which may be considered by the Court below in accordance with law.

Till then, the execution of NBWA issued against the petitioner is stayed/suspended.

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

JUDGE

Comparing Assistant