

GAHC010074502024



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

Case No. : Crl.Pet./412/2024

DIGANTA PRAKASH BORAH
S/O LATE UMESH KUMAR BORA, R/O VILL- CHOUDHURIPUNIA, P.S.-
NARAYANPUR, P.O.-NARAYANPUR, DIST-LAKHIMPUR, ASSAM, PIN-784164

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. D SARMAH

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

09.04.2024

Heard Mr. D. Sarmah, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for State respondent.

This is an application filed under Section 482/397 of the Code of Criminal Procedure, 1973, praying for quashing of the impugned order dated 14.02.2023 passed by the learned SDJM (S), North Lakhimpur, Lakhimpur in G.R. Case No.767/2018 under Sections 447/294/354(A) of IPC corresponding PRC Case No. 683/18 whereby, issued NBWA against the petitioner to be executed through the S.P concerned and other subsequent orders arising out of the order dated 14.02.2023.

It is submitted by the learned counsel for the petitioner, Mr. Sarmah that the present petitioner also lodged an First Information Report(FIR) against the informant which is also pending for disposal. He also submits that the accused/petitioner appeared before the Court and the case is fixed for evidence, however, it has been stated that both the petitioner and the informant settled their matter amicably and they have also informed about the same to their respective engaged counsels. But, the counsels did not inform about any date fixed by the learned Court below for evidence and for appearance of the petitioner and hence, he was under impression that the case has been settled. More so, he did not receipt any NBWA issued by the learned Court below. Further he is ready and willing to appear before the learned Court below, if he is granted with some interim protection till his appearance before the said Court.

In this context, Mr. Borthakur, learned Additional Public Prosecutor submits that the petitioner may be given chance to appear before the learned Court below with

appropriate application for bail which may be considered in accordance with law.

Considering the submissions of learned counsels for both sides and also considering the entire facts and circumstances of the case, I find it proper to direct the petitioner to appear before the learned Court below within 15 (fifteen) days from today and on his appearance and on his filing a petition for grant of regular bail, the learned Court below shall consider the same in accordance with law. Further, the execution of NBWA, if any be stayed.

In terms of above, this criminal petition stands disposed of.

JUDGE

Comparing Assistant