

GAHC010080612024



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

Case No. : Crl.Pet./472/2024

MD. SAIDUL ISLAM
S/O MANN MANDAL
R/O MAJERCHAR, P.O. KALGACHIA
P.S. ALUPATICCHAR,
DIST. BARPETA, ASSAM
PIN-781321

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:SMTI. BHADOI RAHANG
W/O BIHU RAHANG
R/O NIJ HAHORA
SONAPUR, P.S. SONAPUR
DIST. KAMRUP
ASSAM, PIN- 78240

Advocate for the Petitioner : C M DEKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

25.04.2024

Heard Ms. C.M. Deka, learned counsel for the petitioner and also heard Ms. A.

Begum, learned Additional Public Prosecutor, Assam, appearing for the State respondent No.1.

2. In this petition, under Section 482 Cr.P.C., the petitioner, namely, Md. Saidul Islam has challenged the correctness or otherwise of the orders dated 08.08.2023, 12.09.2023, 14.11.2023, 05.01.2024, 17.02.2024 and 30.03.2024 passed by the learned Additional Sessions Judge (FTC) No.4, Kamrup(M) in Sessions Case No.605/2019. It is to be noted here that vide aforementioned orders, the learned Court below has issued non-bailable warrant of arrest against the petitioner.

3. Ms. Deka, learned counsel for the petitioner submits that the petitioner was standing trial in the Sessions Case No.605/2019 and on 08.08.2023, he had gone to Manipur for work purpose and from there he could not able to communicate with his engaged counsel and also could not be able to remain present in the Court and thereafter, his engaged counsel has withdrawn his Vakalatnama from the said case and thereafter, the learned Court below has issued non-bailable warrant of arrest against the petitioner. The learned counsel for the petitioner further submits that the petitioner is ready to face trial and he will appear before the learned Court below on each and every date and therefore, it is contended that the non-bailable warrant of arrest issued against the petitioner may be recalled.

4. On the other hand, Ms. A. Begum, learned Additional Public Prosecutor, Assam submits that if the petitioner undertakes to appear before the learned Court below on each and every date, then she has no objection in the event of allowing this petition.

5. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the impugned orders dated 08.08.2023, 12.09.2023, 14.11.2023, 05.01.2024, 17.02.2024 and 30.03.2024 passed by the learned Additional Sessions Judge (FTC) No.4, Kamrup(M), in Sessions Case No.605/2019.

6. It appears that the learned Court below has issued non-bailable warrant of arrest against the petitioner as neither the counsel for the petitioner nor the petitioner remained present on the aforesaid dates in the Court. On such count, there appears to be no infirmity or illegality in the aforementioned orders. But, as the learned counsel for the petitioner undertakes that on each and every date the petitioner will appear before the Court, this Court is of the view that he may be given a chance. Accordingly, this Court is inclined to allow the petition.

7. It is provided that the petitioner shall appear before the learned Court below on the next date i.e. 01.06.2024 and shall file an application, praying for fresh bail or for allowing him to remain on previous bail and in the event of filing such an application, the learned Court below shall consider the same in accordance with law. Till then, the non-bailable warrant of arrest issued against the petitioner vide orders dated 08.08.2023, 12.09.2023, 14.11.2023, 05.01.2024, 17.02.2024 and 30.03.2024, shall be kept in abeyance.

8. In terms of above, this criminal petition stands disposed of at this motion stage itself.

Sd/- Robin Phukan
JUDGE

Comparing Assistant