

GAHC010082072024



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

Case No. : Crl.Pet./484/2024

MD. RUPSAN ALI @ RUPSAN ALI
S/O LATE MARFAT ALI
VILL- KHARBALLI, P.O. KALGACHIA, DIST. BARPETA, ASSAM, PIN-781319

VERSUS

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

2:SRI KAMAL DAIMARI
S/O LATE PROFULLA DAIMARI
R/O VILL- RANGPURIA
PO. MAIRAPURA

P.S. GUGAMUKH
DIST. DHEMAJI
ASSAM

PIN-78703

Advocate for the Petitioner : MR. M U MONDAL, MR A ALIM SK, MR K ISLAM, MD. I H
KHAN, MS. N NASRIN

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 04.11.2024

Heard Mr. M.U. Mondal, learned counsel appearing for the petitioner as well as Mr. R. J. Baruah, learned Additional P.P. for the State of Assam.

2. This is an application under Section 482 of the Code of Criminal Procedure in respect of Special POCSO Case No. 18(DH)/2019.

3. The petitioner is an accused in the aforesaid case. On 17.03.2021, the learned trial court framed charges under Sections 366/376 of the Indian Penal Code read with Section 6 of the POCSO Act. Thereafter, the petitioner remained absent on each and every date. Therefore, the learned trial court directed to issue non-bailable warrant of arrest against him. Before that, notice was also issued to his bailor, but no result was achieved.

4. Mr. Baruah has submitted that the petitioner has intentionally defaulted in appearance and therefore, Mr. Baruah has objected to this petition.

5. Mr. Mondal submits that the petitioner lost contact with his lawyer and therefore, he could not appear in time.

6. I have considered the submissions made by the learned counsels of both sides.

7. For default in appearance of the petitioner, the case before the learned trial court has been pending since 2021. The trial court is yet to deliver justice to the concerned people so that the learned trial court can administer justice.

All the impugned orders passed in Special POCSO Case No. 18(DH)/2019 pending in the court of learned Special Judge, Dhemaji directing issue of non-bailable warrant of arrest against the petitioner are set aside.

8. The petitioner is directed to appear before the learned trial court on 03.12.2024. On his appearance, he shall be released on fresh bail of Rs.25,000/- with a surety of like amount to the satisfaction of the learned trial court. The petitioner is directed to appear before the learned trial court on each and every date of hearing. Without showing any satisfactory

reason, he will not seek adjournment. If he fails to appear before the learned trial court on each and every date, the trial court shall be at liberty to take appropriate steps against the petitioner.

9. With the aforesaid directions, the criminal petition stands disposed of

JUDGE

Comparing Assistant