

GAHC010083482024



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

Case No. : Crl.Pet./490/2024

MUSTAFIQUR RAHMAN @ MUSKIBOR RAHMAN
S/O NOOR MAHAMAD
R/O VIL- MUWAMARI, P.S. SAMAGURI
DIST. NAGAON, ASSAM, PIN-782140

VERSUS

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

2:MUSSTT. ASMINA BEGUM
D/O MD. EUSUB ALI
R/O DOBAKA BELAGURI
P.S. DOBAKA
DIST. NAGAON
ASSA

Advocate for the Petitioner : MR. S A AHMED, C S KAMTHONG,A. KHANAM,MR. F A AHMED

Advocate for the Respondent : PP, ASSAM, MR. H A TALUKDAR (R-2),MR. L R MAZUMDER (R-2)

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 13.11.2024

Heard Mr. S.A. Ahmed, learned counsel for the petitioner and Mr. R.J. Baruah, learned Addl. Public Prosecutor, Assam for the State respondent No. 1. Also heard Mr. L.R. Mazumdar,

learned counsel for the informant/ respondent No. 2.

This application under Section 482 read with Section 438 of the Code of Criminal Procedure has been filed by the petitioner praying for setting aside the impugned orders passed by the learned Addl. Sessions Judge-cum-Special Judge, POCSO, Nagaon in Special Case No 88/2021 directing issuance of NBWA and P/A against the petitioner.

The petitioner was shown absconder in the charge sheet. He now submits that he is interested in facing the trial but apprehends that whenever he will appear before the trial Court he will be remanded back to the custody.

I have heard Mr. L.R. Mazumdar, learned counsel for the informant/ respondent No. 2.

Since the petitioner is interested in facing the trial, this Court is of the opinion that for the ends of justice he deserves to be given an opportunity to face trial. The orders directing issuance of NBWA and P/A against the petitioner Musfiquir Rahman @ Muskibor Rahman in respect of Special Case No 88/2021 pending in the Court of the learned Addl. Sessions Judge-cum-Special Judge, POCSO, Nagaon are hereby set aside.

At this stage the petitioner Musfiquir Rahman @ Muskibor Rahman is allowed to go on bail of Rs. 25,000/- with surety of like amount to the satisfaction of the arresting authority.

It is hereby directed that the petitioner shall appear before trial Court within next 7 (seven) days on each and every date and if the petitioner is defaulted in making presence in the trial court, the learned trial Court is at liberty to pass orders in accordance with law.

With the aforesaid direction, this criminal petition stands disposed of.

JUDGE

Comparing Assistant