

GAHC010083972024



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

Case No. : Crl.Pet./500/2024

MD. SHAH ALOM
S/O LATE MAJAM ALI
VILL- KALAHBHANGA, ISLAMPUR
P.O. KALAHBHANG, P.S. BARPETA ROAD, DIST. BARPETA, ASSAM
PIN-781315

VERSUS

SUKUR ALI
S/O LATE ABDUL KHALEQUE
VILL- DILMIL NAGAR,
SHANKAR AZAN PATH, H/NO. 6, HATIGAON, P.O. AND P.S. HATIGAON,
DIST. KAMRUP (M), ASSAM, PIN-781038

Advocate for the Petitioner : MR. A M AHMED

Advocate for the Respondent :

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 01.05.2024

Heard Mr. A.M.Ahmed, learned counsel for the petitioner.

By this criminal petition under Section 482/438 of the CrPC, the petitioner has prayed for recalling/quashing of the order dated 12.02.2024 passed by the learned Civil Judge, Jr. Div. No. 3 –cum- JMFC, Kamrup (M) in NI Case No. 4492/2024 under Section 138/142 of the NI Act issuing NBWA against him.

The learned counsel for the petitioner submits that the petitioner who is accused in NI Case No. 4492/2024 has appeared before the learned trial court and bail was granted to him on 07.08.2023 and thereafter next date was fixed on 16.11.2023. On 16.11.2023, both parties were present but subsequently, on 12.02.2024 and 19.04.2024, the petitioner remained absent and 14.06.2024 is fixed for his appearance. Now, the petitioner is apprehending arrest and as such prays for some time to appear before the learned court below and till his appearance, warrant of arrest may be recalled.

I have heard the learned counsel for the petitioner and perused the averments as well as other documents annexed with the application.

Considering all the aspects of the matter, the petitioner is directed to appear before the learned trial court within 10 days from today and file bail application. If any bail application is filed within the aforesaid period, learned trial court will consider the matter in accordance with law. Till such period, warrant of arrest issued against the petitioner be kept in abeyance.

The criminal petition stands disposed of.

JUDGE

Comparing Assistant