

GAHC010084672024



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

Case No. : I.A.(Crl.)/397/2024

RUKIYA KHATUN AND ANR
W/O NURUL ALOM
VILL- KHELLY
P.S. KALGACHIA
DIST. BARPETA, ASSAM

2: HELALUDDIN AHMED
S/O LATE BIRAZ ALI
VILL- BONGHUGI
P.S. KALGACHIA
DIST. BARPETA
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR A K AZAD

Advocate for the Respondent : PP, ASSAM

Linked Case : AB/2203/2023

RUKIYA KHATUN AND ANR
W/O NURUL ALOM
VILL- KHELLY
P.S. KALGACHIA

DIST. BARPETA
ASSAM

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DIST. BARPETA
ASSAM
VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR. N UDDIN
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 10.05.2024

Heard Ms. P. Adhikari, learned counsel for the petitioners.
Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

This is an application seeking extension of time for appearance of the applicants/petitioners i.e., (1). Rukiya Khatun and (2) Helaluddin Ahmed in compliance of the Hon'ble Court order dated 06.03.2024, passed in AB/2203/2023.

It is the case of the petitioners that because of the exam schedule of the sons of the petitioner No.1 Rukiya Khatun, the petitioners who are in relation brother and sister and are the only care taker of both the sons of

the petitioner No.1, they could not appear before the Court within the time frame stipulated.

Mr. D. Das, learned Additional Public Prosecutor, opposes the prayer for extension.

Heard the parties and perused the averments made in the interlocutory application.

It appears that by order dated 21.06.2023, the petitioners are directed in the interim to appear before the Investigating Officer within 7(seven) days, however, the petitioners did not appear before the concerned Investigating Officer.

In the meantime, the charge-sheet has been submitted vide CS. No.116/2023 dated 30.09.2023, in connection with the said case i.e., Kalgachia P.S. Case No.08/2023.

On 06.03.2024, in view of the fact that the charge-sheet has been submitted, this Court was pleased to direct the petitioner to appear before the Learned Chief Judicial Magistrate, Barpeta within 10(ten) days from 21.03.2024 and seek regular bail, if so advised and was further pleased to continue the interim order granted earlier by this Court by order dated 21.06.2023.

It is regrettable that despite expiry of 10(ten) days granted by this Court to the petitioners to appear before the Learned Chief Judicial Magistrate, Barpeta, the petitioners failed to appear.

Considering that the petitioners have been repeatedly violating the conditions granted by this Court, this Court is not inclined to grant extension of time as prayed for.

Accordingly, the prayer for extension of period for appearance

sought for in the instant interlocutory bail application stands dismissed.

JUDGE

Comparing Assistant