

GAHC010089872024



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

Case No. : Crl.Pet./530/2024

DURLOV KHANIKAR @ KRISHNA RAJ KHANIKAR
S/O SRI PRANAB KHANIKAR @ PITAMBAR KHANIKAR,
R/O AMGURI, P.O. DIBRU AMGURI, P.O. NAHARKATIA, DIST. DIBRUGARH,
ASSAM, PIN-786610

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B K DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
ORDER

03. 06. 2024

Heard Mr. BK Das, learned counsel for the petitioner.

The present petition is filed under Section 482 Cr.P.C. assailing an order dated 10.10.2023, whereby the learned trial court was pleased to issue standing warrant against the accused /petitioner treating him to be absconder.

Mr. Das submits that the petitioner was out of station in connection with his job. Therefore, he was not aware of such criminal proceeding and accordingly warrant was issued. The learned counsel further contends that the petitioner is a law abiding citizen and he will participate in the trial and he has no intention to abscond or to avoid trial.

Be that as it may, in the considered opinion of this court as the learned Magistrate on the basis of the material available on record has taken a decision, the petitioner should first approach the learned Magistrate seeking recall of the order giving his proper explanation for non-appearance before the court.

Accordingly, the present petition is closed by permitting the petitioner to approach the learned trial court below for recalling the standing warrant issued against him by filing an application. In the event of such application is filed, the learned Magistrate shall consider the same in accordance with law without being influenced by any of the observation made in this case. The petitioner shall appear and file such application, if so advised on or before 21.06.2024.

Till 21.06.2024, the standing warrant as well as P&A issued against the petitioner shall remain suspended.

It is made clear that if the petitioner fails to appear on or before the aforesaid date, the standing warrant shall revive on 22.06.2024.

JUDGE

Comparing Assistant