

GAHC010093132024



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

Case No. : Crl.Pet./551/2024

KUNDAL SINGHA
S/O THOIREN SINGHA
R/O JHORAKUL
P.O. AND P.S. SONAI
DIST. CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MRS. R RONGMEI

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 13.05.2024

Heard Ms. R. Rongmei, learned counsel for the petitioner. Also heard Ms. A. Begum, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 482 of the Code of Criminal Procedure, 1973 for quashing of the impugned orders passed by the learned Sessions Judge, Cachar, Silchar issuing NBWA against the present petitioner.

It is submitted by Ms. Rongmei, learned counsel for the petitioner, that the present petitioner was regularly appearing before the learned Court below since 25.03.2019. However, on 11.04.2019, he could not appear before the learned Court below and for which, the NBWA was issued against him. She further submitted that the petitioner, being a Martial Arts Instructor, has been staying in Imphal and running teaching classes of Martial Arts and was also a social worker, and he was not aware about the issuance of NBWA against him and also did not receive any summon or any kind of information from the learned Court below and for which, he could not appear before the learned Court below. However, he is ready and willing to contest the case and shall appear before the learned Court below if he is granted with some interim protection and accordingly, the learned counsel petitioner prays for recalling the NBWA issued against him.

In this context, Ms. A. Begum, learned Additional Public Prosecutor, has submitted that this is not a fit case to give any interim protection to the present accused/petitioner as he is absconding since 2019.

After hearing the submissions made by the learned counsels for both sides, it is seen that the accused was regularly appearing before the learned Court below till 25.03.2019. But since 11.04.2019, he remained absent and the Court took several steps to procure his attendance and even the bailor of the present accused/petitioner also did not appear before the learned Court below and produced the accused/petitioner. Thus, the learned Court below made several efforts to procure his attendance, but the accused/petitioner was absconding and evading arrest since 11.04.2019. It is also not the case that the accused/petitioner was not aware about the pendency of the case as he was regularly appearing before the learned Court below till issuance of NBWA vide order dated 11.04.2019 by the learned Court below. Accordingly, I find that it is not a fit case to recall the NBWA issued against the present petitioner by the learned Court below. However, he is directed to appear before the learned Court below with an appropriate application for bail, which may be considered by the learned Court below in accordance with law.

With the above observation, the criminal petition stands disposed of.

JUDGE

Comparing Assistant