

GAHC010093772024



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

Case No. : Crl.Pet./553/2024

PABITRA KAMAN
S/O LATE JAPAN KAMAN
VILL- BALIGAON
POLICE STATION- GOHPUR
DIST. BISWANATH, ASSAM

VERSUS

THE STATE OF ASSAM
THROUGH THE PP, ASSAM

Advocate for the Petitioner : MR. D SAIKIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 13.05.2024

Heard Mr. D. Saikia, learned counsel for the petitioner. Also heard Mr. I. Borthakur, learned counsel appearing on behalf of Mr. D. Gogoi, learned Special Public Prosecutor, Wild Life for the respondent.

This is an application under Section 482 of the Code of Criminal Procedure, 1973 praying for recalling the order of Proclamation issued on 07.10.2023 and subsequently re-issued on 12.03.2024, fixing next date as 15.05.2024 by the learned JMFC, Bokakhat against the accused/petitioner through Superintendent of Police, Gohpur in connection with C.R. (Forest) Case No. 02/2019, under Sections 2(16)/2(35)/9/27/31 /39/40/43/50/52 *read with* Section 51 of the Wildlife (Protection) Act, 1972.

It is submitted by Mr. Saikia, learned counsel for the petitioner, that the against the present accused/petitioner, one more case is pending before the Court of learned SDJM(M), Bokakhat, which is numbered as G.R. 193/2017, wherein he was regularly appearing before the learned Court below and even after the Covid-19 pandemic, he voluntary appeared before the learned Court below on 28.06.2022 and his appearance was accepted by the learned Court below. However, he was not aware about the pendency of the present case which was pending against him before the Court of learned JMFC, Bokakhat, and hence, he did not appear before the said Court. However, later on, he came to know that he has been shown as absconder in the Charge-Sheet, though the police never searched for him during the investigation of this case and hence, he was not aware about any case pending against him before the Court of learned JMFC, Bokakhat, which is next to the Court of learned SDJM(M), Bokakhat, where he was regularly appearing and was facing the trial in connection with G.R. 193/2017. However, he is still ready and willing to appear before the learned Court below and to contest the case if he is allowed to go on regular bail.

In this context, Mr. I. Borthakur, learned counsel appearing on behalf of the Forest Department/Wild Life, has submitted that the present petitioner may be allowed to appear before the learned Court below with an appropriate application for bail and till then the order of NBWA as well as the order of proclamation may be suspended.

Considering the submissions made by the learned counsels for both sides and also considering the entire aspects of the case, I hereby direct the petitioner to appear before the learned Court below within 10 (ten) days from today with an appropriate application for bail, which shall be considered by the learned Court below in accordance with law. Till then, the order of NBWA as well as the order of Proclamation issued on 07.10.2023 and subsequently re-issued on 12.03.2024 by the learned JMFC, Bokakhat in connection with C.R. (Forest) Case No. 02/2019, under Sections 2(16)/2(35)/9/27/31 / 39/40/43/50/52 *read with* Section 51 of the Wildlife (Protection) Act, 1972, shall remain suspended.

In terms of above, the criminal petition stands disposed of.

JUDGE

Comparing Assistant