

GAHC010095992024



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

Case No. : Crl.Pet./573/2024

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

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. B K DAS, MR. P MAJUMDAR, H P NEOG

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 13.11.2024

Heard Mr. P. Mazumdar, learned counsel for the petitioner and Mr. R.J. Baruah, learned Addl. Public Prosecutor, Assam for the State respondent.

This application under Section 482 of the Code of Criminal Procedure read with Section 438 of the Code has been filed by the petitioner in respect of the order dated 06.04.2024, passed by the learned Chief Judicial Magistrate, Tinsukia in PRC Case No. 1054/ 2023.

The petitioner was declared proclaimed offender in this case under Sections 419/ 420/ 468 of the IPC showing him as an absconder. The petitioner claims that he was working at Hyderabad and he could not come to the court and in the meantime, the trial court issued P/A against him and ultimately filed case against the petitioner.

Now the petitioner submits that he is interested in facing the trial but apprehends that whenever he will appear before the trial Court he will be remanded back to the custody.

I have heard Mr. R.J. Baruah, learned Addl. Public Prosecutor.

I have considered the submissions of both the parties.

Since the petitioner is interested in facing the trial, this Court is of the opinion that for the ends of justice he deserves to be given an opportunity to face trial. The orders directing issuance of P/A against the petitioner Sri Durlov Khanikar @ Durlav Khanikar in respect of PRC Case No 1054/2023 pending in the Court of the learned Chief Judicial Magistrate, Tinsukia is hereby set aside.

It is hereby directed that the petitioner shall appear before trial Court within next 10 (ten) days from today and file appropriate bail application seeking bail and the same shall be considered in accordance with the procedure of law.

With the aforesaid direction, this criminal petition stands disposed of.

JUDGE

Comparing Assistant