

GAHC010101412024



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

Case No. : Crl.Pet./601/2024

SAHAJAHAN MAZUMDAR
S/O LATE HAJI MAKMOOD ALI MAZUMDAR, R/O VILL- MADHURBOND,
P.S.-SILCHAR, PIN CODE-788001, DIST- CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:HIMANGSHU CHAKRABORTY
S/O LATE RANGA BIHARI CHAKRABORTY
P.O.-DOLUBARI
P.S.-AMBASA
DIST- DHOLAI
ASSA

Advocate for the Petitioner : MR. R MAJUMDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

24.05.2024

Heard Mr R Majumdar, learned counsel for the petitioner, Sahajahan Mazumdar.

2. The petitioner has filed this application under Section 482 CrPC, challenging the

order dated 12.12.2023, passed in connection with PRC Case No. 2136/2020, arising out of Silchar PS Case No. 457/2002, registered under Sections 147/148/149/341/326/302 IPC.

3. Charge sheet has been laid against the petitioner as *prima facie* case has been found against him of having committed murder of Soumen Chakraborty, on 27.08.2002. Charge sheet was laid as far back as on 29.05.2007. It is submitted that in the charge sheet, the petitioner's name was shown as Sahaj Ali and, thus, the petitioner was not aware that the charge sheet was laid against him. The petitioner's name is Sahajahan Ali, Son of Late Haji Makmood Ali Mazumdar. It is also submitted that the petitioner's father's name as shown in the charge sheet is also not similar. Now, vide the impugned order dated 12.12.2023, NBWA has been issued against the petitioner. The petitioner is willing to appear before the jurisdictional Court, but as NBWA has been issued against him he is apprehending arrest.

4. Heard Mr R R Kaushik, learned Additional Public Prosecutor for the State of Assam.

5. I have considered the submissions at the Bar with circumspection.

6. The petitioner is willing to appear before the jurisdictional Court. As the petitioner is willing to cooperate with the trial, a pragmatic view is taken. The NBWA issued against the petitioner on 12.12.2023, is kept in abeyance for 15 days. The petitioner is directed to appear before the Elaka Magistrate, within 15 (fifteen) days, and cooperate

with the trial.

7. With the above directions and observations, this Criminal Petition stands disposed of.

JUDGE

Comparing Assistant