

GAHC010108322024



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

Case No. : Crl.Pet./635/2024

SHYAMAL NARAYAN DEV
S/O GAJENDRA NARAYAN DEV, R/O PAKHIRIGURI VILLAGE, P.O.-
SRIJANGRAM, P.S.-ABHAYAPURI, DIST- BONGAIGAON, ASSAM, PIN CODE-

VERSUS

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

2:M/S GOPIRAM CHETRAM
A PARTNERSHIP FIRM HAVING ITS OFFICE AND PLACE OF BUSINESS AT
SIDING BAZAR
TINSUKIA BEING REPRESENTED BY ITS PARTNERS SRI SANWARMAL
AGARWAL
S/O LATE CHETRAM AGARWAL
R/O SIDING BAZAAR
TINSUKIA TOWN
P.O. AND DIST-TINSUKIA
ASSAM
PIN CODE

Advocate for the Petitioner : MS. T SOM

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 03.06.2024

Heard Ms. T. Som, learned counsel for the petitioner. Also heard Mr. P.H Lahkar, learned Additional Public Prosecutor for the State/respondent No.1.

This application has been preferred under Section 482 Cr.P.C., against the impugned order dated 26.02.2024 passed by the learned CJM, Tinsukia in N.I. Case No. 413/2019, whereby W/A was issued against the petitioner.

It is submitted by the learned counsel for the petitioner that the matter has been amicably settled between the parties on part payment of the cheque amount as such, the petitioner did not appear before the learned trial court with a view to withdraw of the case by the respondent No. 2. But ultimately, the case has not been withdrawn.

It is further submitted that as the matter has been settled between the parties, the petitioner did not appear before the trial court, as such, warrant of arrest was issued against him. Under such backdrop, the learned counsel for the petitioner has prayed that the warrant of arrest be recalled.

On the other hand, Mr. Lahkar, learned Additional Public Prosecutor has submitted that as the matter has been amicably settled between the parties, the petitioner may approach before the trial court showing the grounds of his absence during such period before the trial court and may seek regular bail in connection with this case.

I have considered the submissions made by the learned counsel

for the parties.

In view of the above, the petitioner is directed to appear before the trial court on 05.06.2024 and if any bail application is filed, the same will be considered in accordance with law. Till such appearance of the petitioner before the trial court, the warrant of arrest issued against him, be kept in abeyance.

The criminal petition stands disposed of accordingly.

JUDGE

Comparing Assistant