

GAHC010120652024



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

Case No. : Crl.Pet./715/2024

JULHAS ALI @ JULU
S/O HAKIMUDDIN, R/O VILL- KABAITARY PART-I, NEAR MASJID, P.S.-
JOGIGHOPA, DIST- GOALPARA, ASSAM

VERSUS

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

2:KRISHNA RABHA
S/O RAMDHAN RABHA
UBC ASSAM POLICE
R/O VILL- BAIDA
P.O.-BAIDA
P.S.-KRISHNAI
DIST- GOALPARA
ASSA

Advocate for the Petitioner : G UDDIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 26.06.2024

- 1.** Heard Mr. G. Uddin, learned counsel for the petitioner. Also heard Ms. S. Jahan, learned Additional Public Prosecutor for the State respondent.

2. This Criminal Petition has been registered on filing of an application under Section 482 of the Code of Criminal Procedure, Code 1973, by the petitioner, namely, Julhas Ali @ Julu impugning the order dated 06.03.2020 and subsequent orders issued thereafter by the Court of learned Chief Judicial Magistrate, Goalpara, Assam, whereby Non-Bailable Warrant of Arrest was issued against the petitioner in connection with the P.R.C Case No. 1111/2018, which is pending before the Court of learned Chief Judicial Magistrate, Goalpara, Assam.

3. Learned counsel for the petitioner has submitted that the petitioner is facing trial before the above mentioned Court for an offence under Section 353 of the Indian Penal Code read with Section 3 PDPP Act, and he had apprehended in the said case and he continued to appear till 14.02.2020.

4. However, on the next date fixed i.e. 06.03.2020, the petitioner could not appear before the Trial Court and on the same day Non-Bailable Warrant of Arrest was issued against the petitioner.

5. Learned counsel for the petitioner has submitted that thereafter, the Court work was affected by COVID-19 and the petitioner could not appear before the said Court.

6. It is also submitted that now the petitioner had come to know regarding the next date fixed from his bailer and he is ready and willing to cooperate in the trial, and seeks the interim protection as pending Non-Bailable Warrant of Arrest has been issued against him by the Trial Court.

7. I have considered the submission made by the learned counsel for the petitioner as well as learned Additional Public Prosecutor and also perused the documents annexed along with the criminal petition.

- 8.** It appears that the petitioner was appearing in the P.R.C Case No. 1111/2018 till 14.02.2020 and on the next date on its first default itself, the Trial Court issued Non-Bailable Warrant of Arrest was issued against him thereafter, the Court work was effected COVID-19.
- 9.** Considering the peculiar facts and circumstances of this case, the petitioner is directed to appear before the Trial Court within 15 days from the date of this order and before the Court of learned Chief Judicial Magistrate, Goalpara, Assam in the P.R.C Case No. 1111/2018.
- 10.** To facilitate such an appearance by the above named petitioner before the Trial Court, the operation of the Non-Bailable Warrant of Arrest was issued against him by the Trial Court shall be kept suspended for the next 15 days.
- 11.** On his appearance before the Trial Court, the petitioner may seek any relief before such Court to which he is legally entitled.
- 12.** With the above observations, this Criminal Petition is hereby disposed of.

JUDGE

Comparing Assistant