

GAHC010124252024



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

Case No. : Crl.Pet./725/2024

GURPREET SINGH
S/O SUKHDEV SINGH, R/O VILL- 14 O DHANI KARANPUR, P.S.- SRI
KARANPUR, DIST- SRIGANGANAGAR, RAJASTHAN, PIN-335073

VERSUS

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

2:KANTESWAR RABHA
S/O LATE SONESWAR RABHA
VILL- BOKO BARPARA
P.S.-BOKO
DIST- KAMRUP
ASAM
PIN-78112

Advocate for the Petitioner : MR D CHUTIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

25.06.2024

Heard Mr D Chutia, learned counsel for the petitioner, Gurpreet Singh, who has filed this application under Section 482 of the Code of Criminal Procedure, with prayer for setting aside and quashing the order dated 18.01.2020 and subsequent orders,

whereby NBWA was issued against the petitioner, and also to set aside and quash the order dated 22.11.2023 and subsequent orders, whereby proclamation and attachment were issued against the petitioner. The petitioner is booked under Sections 304-A/427 IPC, in connection with GR Case No. 211/2016, arising out of Boko PS Case No. 76/2016.

2. Earlier, the petitioner was appearing but due to transfer of this case from Kamrup, Amingaon to Boko, the petitioner could not contact his engaged counsel, and thereafter the petitioner has failed to appear before the Court.

3. Heard Mr K K Parashar, learned Additional Public Prosecutor for the State of Assam.

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

5. Annexure-4 of the petition is the order dated 04.10.2019, wherein the learned Additional CJM, Kamrup, Amingaon, allowed the petitioner to remain on previous bail. Vide order dated 04.10.2019, in connection with the aforementioned case, the petitioner prayed for adjournment and he was granted adjournment and the next date was fixed. Thereafter, vide impugned order dated 18.01.2020, NBWA was issued against the petitioner.

6. It is submitted on behalf of the petitioner that the petitioner failed to appear before the Court as lockdown was imposed due to the pandemic. Finally, due to the absence of the petitioner, the impugned order dated 22.11.2023 was passed, wherein the learned

trial Court issued NBWA and P & A against the petitioner.

7. I have considered the submission that the petitioner is willing to appear before the learned trial Court and cooperate with the trial.

8. I have taken a pragmatic view. Already, this case has been pending for a prolonged period. To avoid further procrastination, I deem it proper to direct the petitioner to cooperate with the trial. The petitioner is hereby directed to appear before the learned trial Court on or before 29.06.2024 and cooperate with the trial.

9. Till then, the NBWA and P & A issued against the petitioner is kept in abeyance.

10. In terms of the above observations, petition is disposed of.

JUDGE

Comparing Assistant