

GAHC010124952024



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

Case No. : Crl.Pet./731/2024

SAYED ALI
S/O GAFUR @ SAFUR ALI, R/O VILL- HELAPAKHRI, JUNGLE BLOCK, P.S.-
MORNOI, DIST- GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR P K DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 25.06.2024

Heard Mr. P. K. Das, counsel for the petitioner. Also heard Mr. B. Sharma, learned Additional Public Prosecutor appearing on behalf of the State respondent.

This is an application under Section 482 of the Code of Criminal Procedure, 1973 *read with* Article 227 of the Constitution of India for quashing the impugned Order dated 28.05.2024, passed by the by the learned Additional C.J.M., Goalpara in P.R.C Case No.22/2022, whereby NBWA was issued against the present petitioner.

It is submitted by Mr. P. K. Das, learned counsel for the petitioner that the present petitioner had no knowledge about this case and in earlier occasion he did not receive any summon as the name of the father and the address was not proper. However, subsequently collecting the proper address, the summons was issued to him, which was accordingly received by the petitioner, but without giving any further chance, the learned trial court below issued NBWA on the day returning of the summons and hence he did not get any time to appear before the learned trial court below, and hence, the present petition has been filed by the petitioner. Further he submitted that the accused petitioner is ready and willing to appear before the learned trial court below and to face the trial if he granted with some protection.

In this context, Mr. B. Sharma, learned Additional Public Prosecutor submitted that the present accused petitioner is shown as an absconder in the Charge-Sheet and more so, after receiving the summons, he did not appear before the learned trial court below. Accordingly, he submitted that the petitioner may be directed to appear before the learned trial court below with an appropriate application for bail, which may be considered in accordance with law.

After hearing learned counsel for both the sides, I have perused the case record and annexures filed along with the petition. It is an admitted fact that the accused/petitioner was shown as an absconder in the Charge-Sheet and in the same time it also cannot be denied that his father's name and the address was not proper for which the summons were issued by the learned trial court below. However, after collecting the proper address, the summons were issued and the same were duly served on the petitioner.

In view of above and also considering the entire aspects of the case, I hereby direct the present petitioner to appear before the learned trial court below within 15 days from today with an appropriate application for bail, which may be considered in accordance with law.

However, till his appearance before the learned Court below within 15 days, the NBWA issued against the present accused/petitioner shall remain stayed/suspended.

In terms of above, this criminal petition stands disposed of.

JUDGE

Comparing Assistant