

GAHC010128052024



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

Case No. : Crl.Pet./750/2024

PARESH NATH
S/O LATE KALI KANTA NATH, R/O VILL- MATHURAPUR (KHOLIHAGRUI),
P.O. AND P.S.-TIHU, DIST- NALBARI, ASSAM, PIN-781371

VERSUS

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

2:MD. MAINUL HAQUE
S/O MD. ABU BAKKAR SIDDIQUE
VILL- SONABALI
P.S.-SAMAGURI
P.O.-SAMAGURI
DIST- NAGAON
ASSAM
PIN-78214

Advocate for the Petitioner : MR. D HAZARIKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 27-06-2024

1. Heard Mr. R. Phukan, learned counsel for the petitioner. Also heard Ms. S. Jahan, learned Additional Public Prosecutor for the State.

2. This application under Section 482 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, *Paresh Nath*, impugning the order dated 21.01.2023 and all subsequent orders passed thereafter on 16.05.2024 whereby the Court of learned Sessions Judge, Nagaon had issued the Warrant of Arrest against the present petitioner in Sessions (T-2) Case No. 87(N)/2016.

3. The learned counsel for the petitioner submits that the petitioner is facing trial before the Court of learned Sessions Judge, Nagaon in the aforesaid sessions case, however, in the year 2016, he preferred a criminal revision petition before this Court i.e., Criminal Revision Petition No. 229/2016 whereby the proceeding of aforesaid Sessions case was kept in abeyance. Later on, the stay was vacated and the petitioner again received summons from the Court of learned Sessions Judge, Nagaon. However, it is submitted by the learned counsel for the petitioner that due to communication gap with his engaged counsel, the petitioner defaulted in appearing before the Trial Court on the next date fixed for trial i.e., on 21.01.2023 and the Court of learned Sessions Judge, Nagaon had issued Non-bailable Warrant of Arrest against him.

4. The learned counsel for the petitioner has submitted that the next date of Sessions (T-2) Case No. 87(N)/2016 is fixed on 18.07.2024 and he is ready to appear before the Trial Court and face the trial as well as to cooperate in the trial.

5. It also appears from record that the petitioner preferred a criminal revision petition against an order passed by the learned Sessions Judge in Sessions (T-2) Case No. 87(N)/2016 wherein for a break period of time, the said Sessions case was kept in abeyance.

6. Considering the fact that the petitioner had communication gap with engaged counsel and also considering the fact that he is now ready to cooperate in his trial, this criminal petition is disposed of with a direction to the petitioner to appear before the Court of learned Sessions Judge, Nagaon in Sessions (T-2) Case No. 87(N)/2016 on the date fixed before i.e., 18.07.2024 the said Court.

7. To facilitate such appearance by the above named petitioner before the Trial Court, the operation of the Non-bailable Warrant of Arrest issued against the present petitioner by the Trial Court shall remain suspended till 18.07.2024.

8. On his appearance before the learned Trial Court, the petitioner may pray for any relief before the said Court to which he is legally entitled to.

JUDGE

Comparing Assistant