

GAHC010133572024



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

Case No. : Crl.Pet./817/2024

JAMSED AHMED
S/O ALA UDDIN, R/O VILL- DEFALALA, P.O.-BHUBRIGHAT, P.S.-
PATHARKANDI, DIST- KARIMGANJ, ASSAM

VERSUS

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

2:KAMAL TEA COMPANY
A PARTNERSHIP FIRM
REPRESENTED BY ITS PARTNER NAMELY
SARWAN KUMAR PANDIA
HAVING ITS OFFICE AT H.B. ROAD
MACHKHOWA
GUWAHATI
ASSAM
PIN-78100

Advocate for the Petitioner : MR. M AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 17-07-2024

Heard Mr. I.H. Laskar, learned counsel for the petitioner Jamsed Ahmed,
who has filed this application under Section 482 of the Code of Criminal

Procedure, 1973 with prayer for quashing and setting aside the order dated 10.06.2024 passed by the learned Judicial Magistrate First Class, Kamrup (M) at Guwahati in connection with CR Case No. 1685/2021.

2. Also heard Mr. M.P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State. The learned Additional Public Prosecutor has accepted notice on behalf of the respondent No. 1 and thus, no formal notice is required to be issued.

3. The petitioner has submitted that the petitioner could not appear on three consecutive dates and his prayer for adjournment was rejected vide order dated 10.06.2024. The petitioner was suffering from ailment and the medical documents are marked as Annexure-VI of the petition. Due to landslide, the road connectivity was also disrupted. The petitioner is willing to cooperate with the trial.

4. I have considered the submissions at the bar with circumspection. I have also taken a pragmatic view.

5. As the criminal case is pending since the year 2021 and three years has already elapsed by and as the petitioner is willing to cooperate with the trial, the NBWA issued vide order dated 10.06.2024 is kept in abeyance till 19.07.2024. Meanwhile, the petitioner is directed to appear before the Trial Court and cooperate with the trial.

6. In the above terms and observations, this Criminal Petition stands disposed of.

JUDGE

Comparing Assistant