

GAHC010137502024



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

Case No. : Crl.Rev.P./262/2024

REJABUDDIN AHMED
S/O LT. KANDURA SK, VILL- KHAMAR MANIKPUR, P.O.-KRISHNAI, P.S.-
KRISHNAI, DIST-GOALPARA, ASSAM, PIN-783126

VERSUS

BIJU HUSSAIN
S/O SADER ALI, VILL- BHELAKHAMAR, P.O.-KRISHNAI, P.S.-KRISHNAI,
DIST-GOALPARA, ASSAM, PIN-783126

Advocate for the Petitioner : MR. SURAJIT DAS

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

12.07.2024

1. Heard Mr. J. Abbas, learned counsel for the petitioner.
2. Considering the nature of the directions being passed by the present order, notice upon the respondent is deemed to be not necessary.

3. The grievance of the petitioner in the present proceeding is that the learned Trial Court vide order dated 15.06.2024 on his non-appearance without steps proceeded to issue non-bailable warrant against him fixing 30.07.2024 as the next date for appearance of the petitioner. A perusal of the order sheets as brought on record by the petitioner reveals that the petitioner has been appearing in the proceedings of the said case regularly and a default had occasioned only on 15.06.2024, for which an explanation has been furnished to the extent that there was a miscommunication between the petitioner and his counsel with regard to the date fixed in the matter and accordingly the petitioner could not appear and the counsel engaged was also not in a position to take steps in the matter.

4. Considering the conduct of the petitioner in the matter and being satisfied with the explanation as put forth, this Court is of the view that the order dated 15.06.2024, by which on a single default a non-bailable warrant of order was issued by the learned Trial Court below was not called for.

5. In view of the above position, this Court is *prima facie* satisfied that the said order would require an interference. Accordingly, the order dated 15.06.2024 stands interfered with. The petitioner is directed to appear before the learned Court below on the next date fixed, i.e. 30.07.2024 in case no.NI 08/2021 pending before the learned Addl. CJM, Goalpara and the learned Court below shall proceed with the matter on merits. It is to be also noted here that the learned counsel for the petitioner has undertaken that the petitioner shall not default in appearance in the matter on dates so fixed therein and shall

cooperate for an early conclusion of the said proceeding.

6. In view of the above observations and directions, the criminal revision petition stands disposed of.

JUDGE

Comparing Assistant