

GAHC010145012024



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

Case No. : Crl.Pet./845/2024

SADDAM HUSSAIN
S/O MD. SAGAR ALI, VILL- KHAMERI, P.S.-NAGARBERA, DIST- KAMRUP,
ASSAM, PIN-781127

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : J U AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 24.07.2024

Heard Mr. J.U. Ahmed, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State.

This application has been preferred under Section 528 r/w Section 438 of BNSS, 2023 against the impugned order dated 17.11.2023 and subsequent order(s) passed in Session Special (POCSO) Case No. 66/2023 under Section 6/17 of Protection of

Children From Sexual Offence Act, 2012 r/w Section 9/11 (1) of Prohibition of Child Marriage Act, whereby NBWA was issued against the petitioner.

It is submitted by the learned counsel for the petitioner that the petitioner was on bail earlier. On receipt of summons, the petitioner appeared before the learned trial court. But subsequently, on two dates, the petitioner failed to appear before the learned trial court for which warrant of arrest was issued against him. Under such backdrop, the learned counsel for the petitioner has prayed that the warrant of arrest be recalled.

On the other hand, Mr. Sarma, learned Additional Public Prosecutor has submitted that the petitioner may approach before the trial court showing the grounds of his absence during such period before the trial court and may seek regular bail in connection with this case.

I have considered the submissions made by the learned counsel for the parties.

In view of the above, the petitioner is directed to appear before the trial court on 25.07.2024 and in the event of filing any bail application, the same will be considered in accordance with law. Till such appearance of the petitioner before the trial court, the NBWA issued against him, be kept in abeyance.

The criminal petition stands disposed of accordingly.

JUDGE

Comparing Assistant