

GAHC010146002024



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

Case No. : Crl.Pet./883/2024

IMRAN HUSSAIN
S/O ABDUL KARIM CHAUDHURY
R/O VILL- FORMARPAT
P.S. LANKA
DIST. HOJAI, ASSAM, (INDIA), 782446
M-9435252273

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR S AHMED, SANOWARA KHATUN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 01-08-2024

Heard Mr. S. Ahmed, learned counsel for the petitioner Imran Hussain, who has filed this application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 challenging the order dated 21.02.2023 passed by the

learned Sessions Judge at Sankardev Nagar, Hojai issuing P&A against the petitioner.

2. It is submitted on behalf of the petitioner that earlier this case was pending in the Nagaon Court and thereafter, after the Hojai Court was established, this case was transferred to the Hojai Court. The petitioner was not at all aware about this case and so, he did not appear before the learned Trial Court.

3. Heard Mr. P.S. Laskar, learned Additional Public Prosecutor, Assam for the respondent State. The learned Additional Public Prosecutor has submitted that this case is an old pending case and the FIR was registered in the year 2007 and subsequently Sessions Type (2) 06(H)/2021 arising out of Lanka Police Station Case No. 45/2007 under Sections 395/376 of the Indian Penal Code, 1860, was registered.

4. I have considered the submissions at the bar with circumspection. This is an old pending case. I have taken a pragmatic view. The petitioner is willing to cooperate with the trial and thus, it is not required to stretch the trial any further. The petitioner is directed to appear before the learned Trial Court within 15 (Fifteen) days. Till then, the NBWA and the P&A issued against the petitioner is kept in abeyance.

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

JUDGE

Comparing Assistant