

GAHC010154422024



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

Case No. : Crl.Pet./927/2024

NARAYAN BASUMATARY
S/O BANESWAR BASUMATARY, R/O VILL- KASHIBARI, P.S.-LAKHIPUR,
DIST- GOALPARA, ASSAM

VERSUS

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

2:JAGADISH BARMAN
S/O PARESH BARMAN
LAKHIPUR RANGE FOREST OFFICE
NIDANPUR
P.O. AND P.S.-LAKHIPUR
DIST- GOALPARA
ASSA

Advocate for the Petitioner : MR. A RAHMAN,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

07.08.2024

1. Heard learned counsel Mr. A. R. Rahman for the petitioner Narayan

Basumatary.

2. This application has been filed by the petitioner under Section 528 of the BNSS, 2023 read with Article 227 of the Constitution of India praying for quashing the Charge-sheet No. 219 dated 30.10.2023 as well as the order dated 04.12.2023 passed in PRC Case No. 980/2023.

3. It is submitted on behalf of the petitioner that the Investigating Officer never visited the petitioner's house during investigation. But, surprisingly Charge-sheet was laid against the petitioner showing him as an absconder.

4. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the Respondent State.

5. The petitioner is willing to co-operate with the trial but he is apprehending that he will be forwarded to custody as he is shown as absconder in the Charge-sheet.

6. I have considered the submission that the petitioner is willing to co-operate with the trial. I have taken a pragmatic view.

7. The petitioner is directed to appear before the learned Trial Court. Meanwhile, no coercive action be taken.

8. The petitioner may also approach the learned Trial Court and apply for bail, if so advised, which may be considered by the Court in accordance with law.
9. In terms of the above observation, petition stands disposed of.

JUDGE

Comparing Assistant