

GAHC010154592024



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

Case No. : Crl.Pet./909/2024

SHIBIR AHMED CHOUDHURY
S/O LATE ABDUL KHALIQUE CHOUDHURY, VILL AND P.O.-NILBAGAN,
P.S.-MURAZHAR, DIST- HOJAI (ASSAM), PIN-782445

VERSUS

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

2:NAZRUL HUSSAIN
S/O HABIBAR RAHMAN
VILL- NAM DOBOKA GAON
P.O.-HINDU BLOCK
P.S.-DOBOKA
DIST- HOJAI (ASSAM)
PIN-78244

Advocate for the Petitioner : MR. S K ROY, S MEDHI,MD K RAHMAN,MRS. M M ROY

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

07.08.2024

Heard Mr. S K Roy, learned counsel for the petitioner as well as Mr. D Das, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 528 of the BNSS, 2023 by the petitioner, namely, Shibir Ahmed Choudhury, challenging the order dated 14.03.2024 and its subsequent orders passed by the learned Chief Judicial Magistrate, Hojai, Sankardevnagar in N I Case No. 16/2023 directing issue of NBWA against the present petitioner.

The petitioner is facing the trial before the court below. On some dates, he was absent in the court. Therefore, the trial court issued NBWA against him.

Mr. Roy has submitted that it was the fault of the counsel, who did not take appropriate steps and also did not inform the petitioner.

I have considered the submission made by the learned counsel of both sides.

The petitioner is directed to appear before the learned Chief Judicial Magistrate, Hojai, Sankardev Nagar on 08.08.2024. On his appearance, the trial court shall release the petitioner on bail of Rs.20,000/- with one surety of like amount to the satisfaction of the trial court.

Further, the impugned order dated 14.03.2024 and its subsequent orders passed by the learned Chief Judicial Magistrate, Hojai, Sankardevnagar in N I Case No. 16/2023 directing issue of NBWA against the present petitioner are set aside.

With the above, the criminal petition is disposed of.

JUDGE

Comparing Assistant