

GAHC010158432024



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

Case No. : Crl.Pet./953/2024

PRASHANTA KUMAR SAHA
S/O SRI PRABIR KUMAR SAHA
R/O NURSING ROAD (WEST)
AMBICAPATTY, SILCHAR TOWN,
P.O. SILCHAR, P.S. SILCHAR (SADAR), DIST. CACHAR, ASSAM,
PIN-788004
ALTERNATE ADDRESS-
C/O MR. MUA KHAMDANG
VILL- MOKLUMBA BASTI
DIST. MOKOKCHUNG
NAGALAND, KOHIMA, PIN- 798604

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE LEARNED PP, ASSAM

2:G.H.P. INFRASTRUCTURE PVT. LTD.
REPRESENTED BY ITS DIECOR

SRI GAURAV PAUL

S/O LATE GANESH PAUL

R/O GOPALGANJ
SILCHAR

P.O. SILCHAR (SADAR)
ASSAM
PIN NO. 78800

Advocate for the Petitioner : MR. JYOTIRMOY ROY, MR. S SARMA,B SAHA,MR. JAYANTA

ROY,MR B P SARMAH,MR D DAS,MR. C CHAKRAVARTY

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 12.08.2024

Heard Mr. J. Roy, learned senior counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State of Assam.

2. This is an application under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying for quashing the orders passed by the learned Additional Chief Judicial Magistrate, Cachar, Silchar, Assam in N.I. Case No.36/2010, whereby non-bailable warrant of arrest was issued against the present petitioner.

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

4. Because of change of address at the initial stage, summons was not served upon the present petitioner. The court took an opinion that the petitioner must have gone out of the station to avoid the trial of the case.

5. The petitioner now submits that he wants to face the trial and apprehends that if he appears before the Trial Court, he will be remanded to custody.

6. After considering the circumstances leading to filing of the present petitioner, this Court is of the opinion that the petitioner deserves to be given an opportunity to face the trial.

7. Therefore, the prayer of the petitioner is allowed. The orders issuing non-bailable warrant of arrest against the petitioner is set aside.

8. The petitioner Prashanta Kumar Saha is directed to appear before the Court of learned Additional Chief Judicial Magistrate, Cachar, Silchar, Assam on 21.08.2024. On appearance, he shall be released on bail of Rs.25,000/- with a surety of like amount to the satisfaction of the Trial Court.

9. The present petition stands disposed of.

JUDGE

Comparing Assistant