

GAHC010161902024



2024:GAU-AS:11801

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

Case No. : Crl.Pet./986/2024

SHETAB UDDIN
S/O ASSADAR ALI, VILL- URAGRAM, P.O.-DHARAKUNA, P.S. AND DIST-
KARIMGANJ, ASSAM

VERSUS

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

2:ABDUL HAQUE
S/O LATE MURFIZ ALI
VILL- PHURAHURIA
MANUKGANJ
P.S. AND DIST- KARIMGAN

Advocate for the Petitioner : MR B MALAKAR,

Advocate for the Respondent : PP, ASSAM, MS. M BARMAN (LEGAL AID COUNSEL FOR R-2)

Linked Case : Crl.Pet./982/2024

SAHEL AHMED @ LUKMAN ALI @ BOLAI
S/O FOTIK MIA
VILL- URAGRAM
P.O.-DHARAKUNA
P.S. AND DIST- KARIMGANJ
ASSAM

VERSUS

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

2:ABDUL HAQUE
S/O LATE MURFIZ ALI
VILL- PHURAHURIA
MANUKGANJ
P.S. AND DIST-KARIMGANJ

Advocate for : MR B MALAKAR
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 28-11-2024

Both the petitions are taken up together conjointly for the sake of brevity.

2. Heard Mr. B. Malakar, learned counsel for the petitioner Sahel Ahmed @ Lukman Ali @ Bolai in connection with Criminal Petition No. 982/2024 and the petitioner Shetab Uddin in connection with Criminal Petition No. 986/2024.

3. Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State and Ms. M. Barman, learned Legal Aid Counsel for the respondent No. 2.

4. Petitioners have filed these applications under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 read with Article 227 of Constitution of India. It is submitted that the petitioners are willing to cooperate with the of the Special

Sessions Case No. 05/2023 arising out of Karimganj Police Station Case No. 67/2023 under Sections 376 (D) of Indian Penal Code, 1860 read with Section 6 of Protection of Children from Sexual Offences Act, 2012 pending in the Court of learned Sessions Judge, Karimganj.

5. It is submitted that on the first day itself without issuance of summons, NBWA has been issued against both the petitioners.

6. I have considered the submissions at the bar with circumspection. The petitioners are willing to cooperate with the trial. Charge sheet has been laid against them. I have also considered the submission that this is an old pending case, which has been procrastinated by the petitioner. I have taken a pragmatic view. Instead of protracting the case any further, I deem it appropriate to pass an order directing the petitioners to approach the jurisdictional Court and cooperate with the trial for the speedy disposal of the case.

7. Therefore, the NBWA issued against the petitioners vide orders dated 30.10.2023, 22.01.2024, 05.04.2024 and 27.06.2024 are hereby kept in abeyance for fifteen days and within fifteen days, both the petitioners are directed to appear before the learned trial Court and cooperate with the trial.

8. In terms of the above observation, both the petitions stand disposed of.

JUDGE

Comparing Assistant