

GAHC010165362024



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

Case No. : Crl.Pet./999/2024

HITESH KHATANIAR
S/O LATE TIKENDRA NATH KHATANIAR,
R/O VILL- SIKARIPATHAR,
P.S. BOKOLIA,
DIST. KARBI ANGLONG, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. K BORUAH, MS. P BORAH, MR. P THAKURIA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 19.08.2024

Heard Mr. K. Boruah, learned counsel for the petitioner. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State of Assam.

2. This application has been filed under Section 528 read with Section 442 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 challenging the order dated 20.07.2024 passed by the learned Sessions Judge, Karbi Anglong, Diphu in Criminal Appeal No.03/2022.

3. The petitioner was earlier convicted under Section 420 of the Indian Penal Code, thereafter he filed an Appeal before the Sessions Court. On multiple occasions, the petitioner had taken adjournments from the Appellate Court. On 20.07.2024 the Trial Court refused to grant the prayer for adjournment and also cancelled the bail granted earlier by the Appellate Court.
4. The Trial Court directed to issue non-bailable warrant of arrest against the petitioner and another appellant.
5. I have considered the submissions made by learned counsel for both sides.
6. This Court is of the opinion that the petitioner deserves to be given an opportunity to take part in the hearing of the Appeal. Therefore the impugned order dated 20.07.2024 passed by the learned Sessions Judge in Criminal Appeal No.03/2022 is set aside, the warrant of arrest issued against the present petitioner Hitesh Khataniar shall be recalled. The petitioner shall appear before the Appellate Court on 06.09.2024 to receive further orders from the Appellate Court.
7. With the aforesaid direction the criminal petition stands disposed of.

JUDGE

Comparing Assistant