

GAHC010170932024



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

Case No. : Crl.Pet./1033/2024

MONNAF HUSSAIN
S/O LATE MOFIL HUSSAIN
R/O WARD NO. 9, BILASIPARA TOWN,
P.O. HAKMA, P.S. BILASIPARA,
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:ALOMGIR AHMED
S/O LATE HAWALDAR SK.
VILL- BILASIPARA

W/NO. 10

P.S. BILASIPARA

DIST. DHUBRI
ASSA

Advocate for the Petitioner : MR. A K HUSSAIN, MR. B HUSSAIN

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

21.08.2024

Heard Mr. A K Hussain, 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 challenging the order dated 26.06.2024 passed by the SDJM (M), Bilasipara whereby NBWA was issued against the petitioner in PRC Case No. 155/2022 under sections 120(B)/420/468/34 of the IPC.

The petitioner has been facing trial before the court below. The trial court issued summons to the petitioner and on one occasion, the petitioner filed an application before the trial court seeking sometime to appear, which was allowed by the trial court. After that, the petitioner did not appear on many dates. Therefore, the trial court issued NBWA against the petitioner.

The petitioner states before this court that due to miscommunication with his engaged lawyer, he could not appear before the trial court and now the petitioner submits that he is interested to face the trial.

Having heard the learned counsel of both sides, this court is of the opinion that the petitioner should be given an opportunity to face the trial. Therefore, all the Non Bailable Warrant of Arrests, issued against the petitioner, are set aside in connection with the aforementioned PRC case.

Accordingly, the petitioner is directed to appear before the trial court on 20.09.2024, on which date, he shall be allowed to go on bail of Rs.25,000/- with one surety of like amount to the satisfaction of the learned SDJM (M), Bilasipara.

With the above, the bail application is disposed of.

JUDGE

Comparing Assistant