

GAHC010172472024



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

Case No. : Crl.Pet./1049/2024

KIMBOY SINGSON
W/O LATE JAMNGAM
R/O LIHANG KICHOI VILLAGE,
P.S. CHURACHANDPUR
DIST. CHURACHANDPUR, MANIPUR

VERSUS

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

2:SRI PRATAP GOGOI
SUB-INSPECTOR

BOKAJAN POLICE STATION

P.S. BOKAJAN
DIST. KARBI ANGLONG
ASSA

Advocate for the Petitioner : MR. D BHUYAN,
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

29.08.2024

Heard Mr. D. Bhuyan, learned counsel for the petitioner as well as Mr. D.

P. Goswami, learned Additional Public Prosecutor appearing for the State respondent No.1.

This is an application under Section 528 of BNSS, 2023 praying for quashing the impugned order dated 05.06.2024 issued by the learned Special Judge, NDPS, Karbi Anglong in NDPS Case No. 03/2019 (arising out of Bokajan PS Case No. 53/2019) under Section 22(C) of NDPS Act.

It is submitted by the learned counsel for the petitioner that the petitioner is a lady having children and her non appearance in the court is not intentional. Due to Manipur violence, she did not appear before the court on some dates. Considering the fact, warrant of arrest and P & A issued against the petitioner be recalled.

On the other hand, Mr. D. P. Goswami, learned Additional Public Prosecutor opposed the prayer of the petitioner and submits that the case is pending in the court since 2019 and the case is at the stage of evidence. Due to non appearance of the petitioner, the proceeding of the case is delayed.

In view of the submission of the learned counsel for the parties, the petitioner is directed to appear before the learned trial court and in the event of filing any bail application, the trial court shall consider the matter in accordance with law.

In view of the above, this criminal petition stands disposed of.

JUDGE

Comparing Assistant