

GAHC010173602024



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

Case No. : Crl.Pet./1085/2024

MD MAMUD ALI @ MD. MAHAMMAD ALI
S/O LT. AFAJ UDDIN
VILL- THANAGARAH
P.O. BURBNDHA, P.S. MORIGAON,
DIST. MORIGAON, ASSAM

VERSUS

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

2:MISS. AMENA KHATUN
W/O MD. ISRAFIL ALI
VILL- THANAGARAH
P.O. BURBANDHA
P.S. MORIGAN

DIST. MORIGAON
ASSA

Advocate for the Petitioner : MR. J AHMED, R BEGUM,MS A HUSSAIN

Advocate for the Respondent : PP, ASSAM, MS N HASSAN (AS LEGAL-AID-COUNSEL FOR R-2)

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

01.10.2024

1. Heard learned counsel Mr. J. Ahmed for the petitioner Md. Mamud Ali @ MD. Mahammad Ali, learned Additional Public Prosecutor, Mr. B. Sharma for the respondent State and Legal Aid Counsel, Ms. N. Hassan for the respondent No. 2.
2. This application has been filed by the petitioner under Section 528 of the BNSS, 2023 as NBWA has been issued against the petitioner (Md. Mamud Ali) vide order dated 18.07.2024 and 13.08.2024 passed in POCSO Case No. 32/2020 arising out of Morigaon P.S. Case No. 668/2018 registered under Sections 376(AB) of the IPC read with Section 4 of the POCSO Act.
3. It is submitted that the petitioner was regularly appearing before the Court and he was on bail, however, on two dates, he could not appear before the Court as he was in Kerala and the petitioner has annexed the train tickets as Annexure- 11 & 12 of the petition.
4. I have considered the submissions at the Bar with circumspection.
5. This case is proceeding at a regular pace. Also this case is at the fag end of the trial. The petitioner is willing to co-operate with the trial. 6 out of 8 witnesses have already been examined.

6. I have taken a pragmatic view as the petitioner is willing to co-operate with the trial. The NBWA issued against the petitioner is kept in abeyance for 25 days, and within 25 days, the petitioner is directed to appear before the learned Trial Court and co-operate with the trial.

7. In terms of the above observation, petition stands disposed of.

JUDGE

Comparing Assistant