

GAHC010174632024



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

Case No. : Crl.Pet./1057/2024

MD. MUSTAFA KAMAL PASSA @ MUSTAFA KAMAL PASA
S/O LATE AMSAR ALI MUKTAR, P/R/O R.D.M. ROAD, AMIN PATTY, P.O.-
NAGAON, P.S.-NAGAON SADAR, DIST- NAGAON, ASSAM, P/R/A FLAT NO.
301, SHANTI TIRTHA APARTMENT, MILANPUR PATH, NEAR HDFC BANK,
BELTOLA BRANCH, BELTOLA, GUWAHATI-781028, DIST- KAMRUP (M),
ASSAM

VERSUS

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

2:MD. FOKAR UDDIN
S/O LATE ABDUL HOQUE
R/O VILL- KOCH GAON
P.S.-RUPOHIHAT
DIST- NAGAON
ASSA

Advocate for the Petitioner : M K BORAH,
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 29.08.2024

Heard Mr. M.K Borah, learned counsel appearing for the petitioner as well as Mr.
B. Sarma, learned Additional Public Prosecutor for the State of Assam.

2. This is an application u/s 528 of BNSS, 2023 challenging the orders dated 01.07.2024 and 06.08.2024 passed by the learned Additional Chief Judicial Magistrate, Nagaon in respect of N.I. Case No.84/2015.
3. The petitioner has been facing trial in N.I. Case No. 84/2015. On two dates, he defaulted to appear before the trial court. Therefore, the trial court issued non-bailable warrant of arrest against the petitioner.
4. I have also heard Mr. Borah as well as Mr. Sarma.
5. The petitioner had some reasons for which he had to abstain from appearing before the trial court.
6. This Court is of the opinion that the petitioner deserves to be given an opportunity to contest the case.
7. Therefore, the impugned orders dated 01.07.2024 and 06.08.2024 passed by the learned Additional Chief Judicial Magistrate, Nagaon in respect of N.I. Case No.84/2015 directing issuance of non-bailable warrant of arrest against the petitioner are set aside.
8. The petitioner shall appear before the trial court on 09.09.2024 for contesting the case. The trial court shall expeditiously dispose of the case in accordance with the procedures as laid down by law.
9. With the aforesaid direction, the criminal petition stands disposed of.

JUDGE

Comparing Assistant