

GAHC010174832024



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

Case No. : Crl.Rev.P./328/2024

DHIRAJ DEY
S/O LATE SATYA CHARAN DEY
R/O PANDU, SADILAPUR, P.S. JALUKBARI
GUWAHATI- 781012
DIST. KAMRUP (M), ASSAM
PRESENTLY RESIDENT OF
KERA KUCHI,
NEAR HOCKEY STADIUM
C/O DIBAKAR BASUMATARY,
BISHNU RABHA PATH,
P.S. HATIGAON,
GUWAHATI
DIST. KAMRUP (M), ASSAM
PIN-781034

VERSUS

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

2:SANKAR CHARAN DAS
DIRECTOR OF M/S SHIVAM TRANSCON PVT. HAVING ITS OFFICE AT 59
ZOO NARENGI ROAD
DIST. KAMRUP (M)
ASSA

Advocate for the Petitioner : MR H BARUAH, MR P P PHUKAN, MR P BORAH

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

29.08.2024

1. Heard learned counsel Mr. H. Boruah for the petitioner Dhiraj Dey.
2. This application has been filed by the petitioner under Section 438 read with Sections 442/528 of the BNSS, 2023 challenging the impugned orders dated 03.07.2024 and 20.08.2024 passed by the learned Additional District & Sessions Judge No. 5, Kamrup, (M) issuing NBWA against the petitioner.
3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.
4. It is submitted on behalf of the petitioner that on 06.07.2023, he was brutally attacked and he sustained grievous injuries on his head. Annexure-C reveals that the FIR was lodged by the petitioner and Annexure-D clearly depicts that the petitioner has sustained grievous injuries on his head, and Annexure-E are the medical documents relating to the injuries sustained by the petitioner. It is submitted on behalf of the petitioner that the petitioner is a senior citizen and he was undergoing treatment and so he was unable to appear before the Court due to his treatment.
5. I have considered the submissions at the Bar with circumspection.
6. I have taken a pragmatic view. The petitioner is willing to co-operate with the trial.
7. NBWA issued against the petitioner vide orders dated 03.07.2024 and 20.08.2024 be kept in abeyance for 20 days
8. The petitioner is hereby directed to appear before the learned Trial Court

within 20 days and face the trial.

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

JUDGE

Comparing Assistant