

GAHC010175992024



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

Case No. : Crl.Pet./1079/2024

NAZRUL HOQUE LASKAR
S/O LATE TABARAK ALI LASKAR, R/O VILL- NATUNRAMNAGAR PART-IV,
P.S.-SONAI, DIST- CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. L R MAZUMDER, MR. A ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 02.09.2024

Heard Mr. L. R. Mazumder, learned counsel for the petitioner. Also heard Mr. R. R. Kaushik, learned Add. Public Prosecutor appearing for the State.

The present criminal petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023; has been so filed, assailing an order dated 26.07.2024,

issued by the learned Sessions/Special Judge, Cachar Silchar in NDPS Case No. 05/2024, issuing Non-Bailable Warrant of Arrest against the petitioner, herein, for his non-appearance in the matter on 26.07.2024.

I have considered the contentions raised by the petitioner in the petition and find that the petitioner was not in the knowledge of the date so fixed in the matter and accordingly, he was not in a position to appear.

It is stated at the Bar that the matter is now fixed on 10.09.2024 for appearance of the petitioner and also for the report of the NBWA so issued.

Considering the matter and also upon hearing the learned counsel for the parties, this Court is of the considered view that the NBWA issued against the petitioner, is directed not to be executed and the petitioner is directed to appear before the Trial Court on 10.09.2024, positively.

In the event, the petitioner, fails to appear on the next date fixed before the Trial Court, the Trial Court would be at liberty to proceed further in the matter and issue a fresh NBWA against the petitioner, herein.

With the above observations and directions, the criminal petition stands disposed of.

JUDGE

Comparing Assistant