

GAHC010176182024



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

Case No. : Crl.Pet./1096/2024

BAHARUL ISLAM LASKAR
S/O BASIR UDDIN LASKAR
OF VILL- CHIPORSANGAN PART-II, P.O. CHIPORSANGON, .S. ALGAPUR,
DIST. HAILAKANDI, ASSAM, PIN-788801

VERSUS

THE STATE OF ASSAM AND ANR
TO BE REP. BY THE PP, ASSAM

2:M/S ENN AAR POLES

PROPRIETOR

SRI SUMIT SOVASARIA

HAVING ITS OFFICE AT 48
S.R.C.B. ROAD
FANCY BAZAR
P.O. GUWAHATI-1

DIST. KAMRUP (M)
ASSAM

REPRESENTED BY ITS ATORNEY HOLDER NAMELY SRI SUNIL JAIN
S/O SRI MOTILAL JAIN
R/O 1-A-42
FA ROAD
KUMARPARA
P.O. GUWAHATI
PIN-78100

Advocate for the Petitioner : MR. A M S MAZUMDER,

Advocate for the Respondent : PP, ASSAM,

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

ORDER

06.09.2024

1. Heard learned counsel Mr. A. M. S. Majumder for the petitioner Baharul Islam Laskar.
2. This application has been filed by the petitioner under Section 528 of the BNSS, 2023 read with Sections 438/442 and read with Article 227 of the Constitution of India with prayer for quashing and setting aside the orders issuing NBWA dated 07.03.2024, 01.06.2024 and 30.07.2024 passed by the learned Additional Chief Judicial Magistrate, Kamrup, (M) in connection with NI Case No. 2610^c/2023.
3. Heard Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.
4. Learned Additional Public Prosecutor has accepted notice on behalf of respondent No. 1 and thus no formal notice is required to be issued.
5. It is submitted on behalf of the petitioner that the petitioner is facing trial in connection with NI Case No. 2610^c/2023. The petitioner was absent on previous 3 dates. The petitioner sought adjournment for his absence. Annexure- 2 & 3 reveals the orders of the Cr Case No. 2610^c/2023. The petitioner is highly

prejudiced as he was in Hyderabad at that time, and he sought for adjournment but the NBWA was issued against him despite the fact that he was unable to appear before the Trial Court as he was in Hyderabad.

6. I have considered the submissions at the Bar. The petitioner is willing to co-operate with the trial.

7. I have taken a pragmatic view. It is not necessary to keep this case pending. Thereby, the petitioner is directed to appear before the Trial Court within 15 days and face the trial.

8. Meanwhile, the NBWA issued against the petitioner is kept in abeyance for 15 days.

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

JUDGE

Comparing Assistant