

GAHC010178782024



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

Case No. : Crl.Pet./1082/2024

JIYABUR RAHMAN
S/O LATE ABED ALI, R/O VILL- KANDHULI MARI NO. 1, P.S.-DHING, DIST-
NAGAON, ASSAM
VERSUS
THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM
2:MANIK RAJBONGSHI
S.I OF POLICE
S/O LATE ALAHU RAJBONGSHI
MOIRABARI POLICE STATION
DIST- MORIGAON
ASSAM
PIN-78212

Advocate for the Petitioner : MR. M ALI, MD. ANARUL ISLAM,MR J. ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 12.09.2024

- 1)** Heard Mr. M. Ali, learned counsel for the petitioner. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State of Assam.
- 2)** This application under Section 528 of the BNSS, 2023 has been filed by the petitioner, Jiyabur Rahman, impugning the order dated 30.09.2014 and other subsequent orders by which the Trial court has issued non-bailable

warrant of arrest against the petitioner, the petitioner is facing trial under Sections 471/420/379/511 of the Indian Penal Code in GR Case No.911/2014 pending before the Court of learned Additional Chief Judicial Magistrate, Morigaon.

3) Learned counsel for the petitioner has submitted that due to communication gap with the engaged counsel, the petitioner failed to appear before the Trial court.

4) The learned counsel for the petitioner has submitted that the petitioner came to know about the pending non-bailable warrant of arrest issued only in the month of August when Police came to his house and informed his wife that non-bailable warrant of arrest is pending against the petitioner.

5) The learned counsel for the petitioner has submitted that the petitioner is ready to face the trial and ready to appear before the Trial court on the next date fixed, i.e., on 18.09.2024 and some interim protection may be granted to him so as to facilitate his appearance.

6) On the other hand, learned Additional Public Prosecutor has submitted that though by order dated 02.09.2024, a direction was issued to the superintendent of Police, Morigaon to submit a report as to why non-bailable warrant of arrest issued against the petitioner has not yet been executed.

7) However, till today no such information is received from the Superintendent of Police Morigaon. Therefore, prays for some time to get the instructions.

8) The learned Additional Public Prosecutor submits that he will have telephonic discussions with the Superintendent of Police, Morigaon and let this Court know about the query post by this Court on 02.09.2024.

9) I have gone through the materials available in the case record as well as

considered the submissions made by learned counsel for the petitioner, the G.R. Case No.911/2014 is pending since long only due to non-appearance of the present petitioner.

10) Therefore, the petitioner is hereby directed to appear before the Trial court on the next date fixed i.e., on 18.09.2024 without fail.

11) To facilitate his appearance of the petitioner before the Trial court on the next date fixed, as non-bailable warrant of arrest issued against the petitioner shall remain suspended till 18.09.2024.

12) With above observation, this Criminal Petition stands disposed of.

JUDGE

Comparing Assistant