

GAHC010179052024



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

Case No. : I.A.(Crl.)/837/2024

ABDUL KASEM
S/O ABDUL HAI
R/O NO. 1 BHATIAKHALI
P.S. LOWKHOWA, P.O. KATHPARA
DIST. NAGAON

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP ASSAM

2:NUR ISLAM

S/O ABDUL SALAM VILL- 2 NO. ADABHETI P.S. SOOTEA DIST. BISWANAT

Advocate for the Petitioner : MS. G BORAH,

Advocate for the Respondent : PP, ASSAM,

Linked Case : AB/501/2024

ABDUL KASEM
S/O ABDUL HAI
R/O NO. 1 BHATIAKHALI
P.S. LOWKHOWA
P.O. KATHPARA
DIST. NAGAON

VERSUS

THE STATE OF ASSAM AND ANR.
REP BY THE PP
ASSAM

2:NUR ISLAM
S/O ABDUL SALAM
VILL- 2 NO. ADABHETI
P.S. SOOTEA
DIST. BISWANATH

Advocate for : MS. G BORAH
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR.

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 18.09.2024

Heard Mr. M. Saikia, learned counsel for the applicant. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State respondent. This Interlocutory Application has been filed by the petitioner, namely, Abdul Kasem, praying for modification of order dated 01.08.2024 passed in I.A. (CrI.)/662/2024 in AB Case No. 501/2024.

Learned counsel for the petitioner has submitted that the name of the petitioner vide order dated 24.06.2024 passed in in AB Case No. 501/2024, the petitioner was directed to appear before the Trial Court within 7 days from the date of the said order.

However, thereafter the petitioner again approached this Court by filing an Interlocutory Application which was registered as I.A.(CrI.)/662/2024, wherein the petitioner has submitted that in the order dated 24.06.2024, the name of

the petitioner was wrongly mentioned as Abdul Kasem instead of Abul Kasem and after hearing the counsel and after going through the record, the said error was rectified by this Court by passing order dated 01.08.2024 in I.A. (Crl.)/662/2024, whereby it was ordered that wherever the name Abdul Kasem is appearing in order dated 24.06.2024, the same shall be read as Abul Kasem.

Learned counsel for the petitioner has submitted that when the petitioner approached the Trial Court, the Trial Court refused to accept the application regarding appearance of the petitioner before the said Court and no order was passed on the said application.

Though, the truthfulness of the statement made by the petitioner, wherein it has been alleged that the application was not entertained by the Trial Court and no order was passed thereon, cannot be verified. However, as same is supported by an affidavit filed by the petitioner.

Hence, this Interlocutory Application is disposed of with a direction that if the petitioner appears before the Trial Court within next 7 days and files an application for bail, the same shall be considered by the Trial Court as per law.

With the above observations, this Interlocutory Application is disposed of.

JUDGE

Comparing Assistant