

GAHC010181702024



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

Case No. : Crl.Pet./1150/2024

SHIWJI GUPTA
S/O JAY PRAKASH GUPTA,
C/O TANA WINE SHOP, NIRJULI, PO AND PS NIRJULI, DIST PAPUMPARA,
ARUNACHAL PRADESH, 791109
PERMANENT ADDRESS RESIDENT OF PIPARAH, PO MOTIHARI, PS
MOTIHARI, DIST GOPALGANJ, BIHAR, 845401

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR. S CHAUHAN, M. BORUAH, MR N ALAM, MR. P
MAZUMDER, R DEB, MR. A R SHOME

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

20.09.2024

Heard Mr. S. Chauhan, the learned counsel appearing for the petitioner. I have also
heard Ms. S.H. Borah, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 528 of the BNSS, 2023.
3. The petitioner has been shown as an absconder in a *charge sheet* under Sections 120(B)/379/411/468 and 471 of the Indian Penal Code r/w Section 53(1)(a)/ 54 of the Assam Excise Act.
4. Since, the petitioner has been shown as absconder, the trial court directed issue of non-bailable warrant of arrest against him.
5. The petitioner has submitted that he wants to face the trial.
6. Therefore, this Court is of the opinion that the petitioner deserves to be given a chance to appear before the trial court.
7. All the orders passed in PRC No.569/2023 corresponding to G.R. No.55/2020 in respect of Rowta P.S. Case No.07/2020 by the Judicial Magistrate First Class, Udalguri are set aside.
8. The petitioner is directed to appear before the trial court within next 10(ten) days. On his appearance, he (the petitioner Sri Shiwji Gupta) shall be released on bail of ₹25,000/- with a surety of like amount to the satisfaction of learned Addl. Chief Judicial Magistrate, Udalguri.

With the aforesaid direction, the criminal petition is disposed of.

JUDGE

Comparing Assistant