

GAHC010183222024



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

Case No. : Crl.Pet./1113/2024

SHER ALI AND ANR
S/O AMRAN ALI
R/O VILL- CHAURDIYA
P.S. BOKO
DIST. KAMRUP, ASSAM

2: AJIM UDDIN
S/O AMRAN ALI
R/O VILL- CHAURDIYA
P.S. BOKO
DIST. KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP, ASSAM

2:SALAM KHNDAKAR ON BEHALF OF X X X (MINOR INFORMANT)
S/O LATE ATAB KHANDAKR
R/O VILL- BHITOR DUWAR
P.S. CHAAYGAON
DIST. KAMRUP
ASSAM
PIN-78113

Advocate for the Petitioner : MR. N J DUTTA, F KHATUN,MR A ALAM,MR. A A MONDAL

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 04.10.2024

Heard Mr. N.J. Dutta, learned counsel appearing for the petitioners and Mr. R.J. Baruah, learned Additional Public Prosecutor for the State of Assam.

2. This is a petition under Section 482 of Cr.P.C. praying for setting aside the orders directing issuance of non-bailable warrant of arrest against the petitioners, Sher Ali and Ajim Uddin, in connection with Special Sessions (POCSO) Case No. 73/2022, pending before the Court of learned Special Judge (POCSO), Kamrup, Amingaon.

3. The petitioners have been facing trial in the aforesaid case and on the some dates, they defaulted in appearance and therefore, the learned trial Court directed issuance of non-bailable of warrant of arrest against the present petitioners.

4. The petitioners have shown cause for their absence in the learned trial Court on those dates.

5. I have considered the submissions made by the learned counsel for both sides.

6. The prayer of the petitioners is allowed.

7. All orders directing issuance of non-bailable warrant of arrest against the present petitioners, Sher Ali and Ajim Uddin, in respect of Special Sessions (POCSO) Case No. 73/2022, pending before the Court of learned Special Judge (POCSO), Kamrup, Amingaon, are set aside.

8. The petitioners are allowed to remain on previous bail.

9. With the aforesaid direction, this criminal petition stands disposed of.

JUDGE

Comparing Assistant