

GAHC010184002024



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

**Case No. : I.A.(Crl.)/864/2024**

MD. ANOWAR ANSARI  
S/O LT. HUSSAIN ANSARI R/O SANTIPUR, WARD NO. 5, P.O. and P.S.  
BISWANATH CHARIALI DIST. SONITPUR, ASSAM.

VERSUS

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

2:FARHA ANSARI @ FARHA SULTAN  
W/O ANOWAR ANSARI R/O KUHIARBARI  
BARGANG  
P.S. BIHALI  
BISWANATH CHARIALI DIST. SONITPUR  
ASSAM

**Advocate for the Petitioner : MR Z ALAM, MR.B SINGHA**

**Advocate for the Respondent : PP, ASSAM,**

Linked Case : Crl.Pet./108/2016

MD. ANOWAR ANSARI  
S/O LT. HUSSAIN ANSARI R/O SANTIPUR  
WARD NO. 5  
P.O. and P.S. BISWANATH CHARIALI DIST. SONITPUR  
ASSAM.

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ASSAM.

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Advocate for : MR.M HUSSAIN  
Advocate for : PP  
ASSAM appearing for THE STATE OF ASSAM AND ANR

**BEFORE**  
**HONOURABLE MRS. JUSTICE MALASRI NANDI**

**ORDER**

**Date : 18.09.2024**

Heard Mr. Z. Alam, learned counsel for the applicant. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State.

This application has been preferred under Section 528 of BNSS, 2023 against the impugned order dated 30.10.2019 and subsequent orders passed by learned Additional CJM, Goalpara in G.R. Case No. 1970/2012, whereby NBWA issued against the petitioner.

It is submitted by the learned counsel for the applicant that the applicant is a Government servant working as Junior Engineer and presently posted at Tezpur. It is also submitted that the applicant earlier filed a petition before this Court under Section 482 Cr.P.C. and the proceeding of G.R. Case No. 1970/2012 was stayed by this Court. Subsequently, non-appearance of the engaged counsel of the

petitioner, the matter was dismissed for non-prosecution. Thereafter, a petition was filed on behalf of the petitioner before this Court and this criminal petition vide No. 108/2016 was restored to file and the interim order passed on 17.02.2016 was in force. But the matter was not communicated to the learned trial court as such, warrant of arrest was issued against the petitioner. Under such backdrop, the learned counsel for the petitioner has prayed that the warrant of arrest be recalled.

On the other hand, Mr. Sarma, learned Additional Public Prosecutor has submitted that he has no objection regarding the prayer of the petitioner.

I have considered the submissions made by the learned counsel for the parties.

In view of the above, the petitioner is directed to appear before the trial court on 09.10.2024 and in the event of filing any bail application, the same will be considered in accordance with law. Till such appearance of the petitioner before the trial court, the NBWA issued against him, be kept in abeyance.

The I/A stands disposed of.

**JUDGE**

**Comparing Assistant**