

GAHC010189322024



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

Case No. : Crl.Pet./1131/2024

MD MAKBUL ALI
S/O LATIF ALI
R/O VILL- NO. 2 CHAPORABARI
P.S. MAZBAT
DIST. UDALGURI, ASSAM

VERSUS

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

2: BABUL KALITA
S/O LATE DHANKANTA KALITA
OF RAKSHASMARI OUT POST

P.S. DHEKIAJULI
DIST. SONITPUR
ASSA

Advocate for the Petitioner : MD. I HUSSAIN,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 18.09.2024

Heard Md. I. Hussain, learned counsel for the petitioner, Md. Makbul Ali who has filed this application under Section 528 BNSS, 2023 as he is aggrieved by the

order dated 08.08.2024 passed in connection with P.R. Case no. 516/2024, arising out of Dhekiajuli P.S. Case No. 49/2022, registered under Sections 147/341/379/325 IPC and pending in the Court of the learned Additional CJM, Sonitpur, at Tezpur.

2. Heard Ms. S. Jahan, learned APP Assam for the respondent No. 1. The learned APP has accepted notice on behalf of the respondent no. 1 and thus no formal notice is required to be issued.

3. The order dated 08.08.2024 reflects that the petitioner was directed to appear before the learned trial court by an order passed by the Additional Sessions Judge, FTC dated 01.08.2024 within 7 days. However, the petitioner failed to appear before the learned trial Court, i.e., the Court of the learned Additional CJM, Sonitpur, Tezpur, on 08.08.2024 and NBWA was issued against the petitioner. The petitioner who was directed to appear before the learned trial Court, by the learned Additional Sessions Judge, FTC, in connection with Misc (Crl.) Bail Case No. 332/2024, is apprehending that he will be forwarded to custody as NBWA has been issued against him.

4. The petitioner is willing to cooperate with the trial.

5. I have perused the Judgment.

6. I have considered the submissions at the Bar with circumspection.

7. It appears that trial is not required to be procrastinated any further. The petitioner is given 15 days to appear before the learned trial court and cooperate with the trial. Till then, the NBWA issued against the petitioner is kept in abeyance.

8. In terms of the above observation, petition stands disposed of.

JUDGE

Comparing Assistant