

GAHC010189372024



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

Case No. : Crl.Pet./1149/2024

LEPTHEN SENGMA
S/OLATE SUCHIL MARAK
R/O VILL- BORMATIA, P.S. DUDHNOI
DIST. GOALPARA, ASSAM

VERSUS

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

2:GRESHTHA MARAK
W/O SRI LEPTHEN SINGMA
OF VILL- BORMATIA
P.S. DUDHNOI
DIST. GOALPARA
ASSA

Advocate for the Petitioner : MR. A RAHMAN,

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

20.09.2024

Heard Mr. A. Rahman, 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 praying for quashing the order dated 05.09.2018 and other subsequent orders passed by the learned Chief Judicial Magistrate, Goalpara directing issue of non-bailable warrant of arrest against the present petitioner in respect of G.R. No.6000/2018.

3. The petitioner was *charge sheeted* in a case under Section 498(A) of the Indian Penal Code. The petitioner submits that he never received summons from the trial court. According to the petitioner, he had engaged one lawyer but in spite of that, the trial court issued non-bailable of warrant of arrest against him.

4. Now, the petitioner has expressed his intention to face the trial.

5. Therefore, this Court is of the opinion that the petitioner deserves to be given a chance to face the trial. The orders directing issuance of non-bailable warrant of arrest against the present petitioner is set aside. The petitioner, namely- Lepthen Sengma is directed to appear before the learned Chief Judicial Magistrate, Goalpara on 27.09.2024 and on his appearance he shall be released on bail of ₹25,000/- with a surety of like amount to the satisfaction of learned Chief Judicial Magistrate, Goalpara.

6. The petitioner is also directed to regularly attend the trial. If he makes any default in appearance, the trial court shall have the liberty to compel his appearance by issuing warrant of arrest.

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

JUDGE

Comparing Assistant