

GAHC010190332024



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

Case No. : Crl.Pet./1147/2024

CHIRANJIB TALUKDAR
PROPRIETOR OF HIGH DEFINITION FITNESS CENTRE, HOUSE NO. 13, BYE
LANE NO. 1, HASTINAPUR, NAYANPUR, GANESHGURI, GUWAHATI,
DIST.KAMRUP (M), ASSAM

VERSUS

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

2:MISSION HEALTH CARE
REPRESENTED BY SRI MANASH DKEA
G.S. ROAD
NILGIRI MANSION
OPPOSITE NEMCARE HOSPITAL
SATSANG VIHAR
BANGAGARH
GUWAHATI- 781005
KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. D HAZARIKA, MR. S J SARMAH,C M DEKA
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

19.09.2024

Heard Mr. S. J. Sarmah, learned counsel for the petitioner. Also heard

Mr. P. Borthakur, learned Additional Public Prosecutor appearing for the State respondent.

By this application under Section 528 of Cr.P.C., the petitioner has prayed for recalling the warrant of arrest issued against the petitioner vide order dated 26.07.2024, 06.09.2024 passed by the learned Additional Chief Judicial Magistrate, Kamrup(M), Assam in C.R. Case No. 1658/2019 under Section 138 of N. I. Act.

It is submitted by the learned counsel for the petitioner that the petitioner has regularly appeared before the trial court but that at the stage of argument, though a petition was filed on 26.07.2024 praying for adjournment showing cause of his absence as he was out of station for his treatment but his petition was rejected and NBWA was issued against the petitioner. However, the petitioner is now ready to appear and prayed that warrant of arrest issued against the petitioner be recalled.

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

It appears from the record that though a petition was filed seeking adjournment on 26.07.2024 for treatment of the petitioner but no medical document is annexed with the petition. From the order dated 26.07.2024 it also reflects that the petitioner did not pay the cost of Rs.5,500/- to the complainant.

Accordingly, warrant of arrest be recalled subject to payment of cost of Rs.5,500/- before the trial court.

In view of the above, the petitioner is directed to appear before the trial court within 10 days from today and on payment of cost before the trial court, the trial court is directed to re-call the warrant of arrest.

Till such appearance of the petitioner before the trial court, the warrant of arrest issued against the petitioner shall be kept in abeyance.

Accordingly, criminal petition stands disposed of.

JUDGE

Comparing Assistant