

GAHC010190942024



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

Case No. : Crl.Pet./1129/2024

RAJA BASFOR
S/O PARMA BASFOR
P.S. FAKIRGRAM, P.O. FAKIRGRAM
DIST.KOKRAJHAR, BTR, ASSAM

VERSUS

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

2:SMTI. RINA BRAHMA
W/O LATE JAYANTA DAS
R/O FAKIRGRAM TOWN

WARD NO. 5
POCHAGARH
P.S. FAKIRGRAM
P.O. FAKIRGRAM
DIST. KOKRAJHAR
BTR
ASSA

Advocate for the Petitioner : MR S SARMAH,

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

17.09.2024

Heard Mr. S. Sarmah, the learned counsel appearing for the petitioner. I have also heard Ms. S.H. Bora, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 528 of the BNSS, 2023 praying for setting aside and quashing the impugned order dated 11.06.2024 passed by the learned Addl. Chief Judicial Magistrate, Kokrajhar, Assam in C.R. Case No.13/2023 whereby the warrant of arrest was directed to be issued against the present petitioner.

3. The petitioner was convicted under Section 138 of N.I. Act in C.R. Case No.13/2023.

4. He could not file an appeal in time. Therefore, the petitioner filed an application under Section 5 of the Limitation Act before the learned Sessions Judge, Kokrajhar praying for condonation of delay. That petition is still pending.

5. In the meantime, the learned trial court issued Warrant of Arrest against the present petitioner.

6. I have considered the submissions made by the learned counsel of both sides.

7. The petitioner is directed to approach the learned appellate court i.e Court of Sessions, Kokrajhar seeking relief.

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

JUDGE

Comparing Assistant