

GAHC010191982024



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

Case No. : Crl.Pet./1148/2024

AMIR HAMJA
S/O ABDUL KHALEK
R/O VILL- BELBORI MUSLIMGAON
P.S MORIGAON
DIST. MORIGAON, ASSAM

VERSUS

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

2:ROHIMA KHATUN
D/O MD. IBRAHIM ALI
R/O VILL- BELBORI MUSLIM GAON
P.S. MORIGAON
DIST. MORIGAON
ASSA

Advocate for the Petitioner : MD B ISLAM, F KHATUN,MR A ALAM,MR. A A MONDAL

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

20.09.2024

Heard Mr. B. Islam, 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 setting aside and quashing the orders dated 15.06.2023 and other subsequent orders passed by the learned Judicial Magistrate First Class, Morigaon in PRC No.1685/2020 directing issue of warrant of arrest against the present petitioner.

3. The petitioner has been shown as an absconder in a *charge sheet* under Sections 376/511/354(A) etc. of the Indian Penal Code.

4. Now, the petitioner apprehends that since the offences are triable by a court of Sessions, whenever he appears before the court of learned Judicial Magistrate First Class, he shall be remanded to custody because the court of Judicial Magistrate First Class does not have the jurisdiction to entertain bail application of the present petitioner.

5. The petitioner is interested in facing the trial.

6. Therefore, this Court is of the opinion that the petitioner deserves to be given a chance to face the trial.

7. It is hereby directed that on his appearance before the court of judicial Magistrate First Class, Morigaon, the petitioner Amir Hamja shall be released on bail of ₹25,000/- with a surety of like amount to the satisfaction of learned Judicial Magistrate First Class, Morigaon.

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

JUDGE

Comparing Assistant