

GAHC010192402024



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

**Case No. : Crl.Pet./1173/2024**

SHOHIDUL ISLAM  
S/O ROFIJUL ISLAM  
R/O DATIAL BARI PACHIM, V.T.C. DATIALBORI  
P.O. MOIRABARI  
SUB- DISRICT- LAHARIGHAT  
DIST. MORIGAON, ASSAM  
PIN-782126

VERSUS

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

2:MUSSTT. JAMINA BEGUM  
W/O MD. MOJAMMIL ALI  
R/O KHATKHATI JOR TOKBI  
P.S. KHATKHATI  
DIST. KARBI ANGLONG  
PIN-78212

**Advocate for the Petitioner** : MR D KALITA, MS R KOUR  
**Advocate for the Respondent** : PP, ASSAM,

**:: BEFORE ::**

**HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

**O R D E R**

**24.09.2024**

Heard Mr. D. Kalita, the learned counsel representing the petitioner. I have also

heard Mr. R.J. Baruah, the learned Addl. Public Prosecutor, Assam.

**2.** This is an application under Section 528 of BNSS, 2023 praying for quashing the orders whereby direction has been given for issuance of non-bailable warrant of arrest.

**3.** The petitioner is facing trial in respect of POCSO Case No.44/2020 pending in the court of learned Special Judge, POCSO, Karbi Anglong, Diphu.

**4.** The petitioner submits that he has shifted his residence to the district of Morigaon and therefore he lost contact with his lawyer at Diphu, because of which he could not appear in a trial court for two dates. Therefore, the trial court issued non-bailable warrant of arrest against the present petitioner.

**5.** Mr. Kalita has submitted that the trial court has already examined five prosecution witnesses. The petitioner submits that he intends to face the trial.

**6.** Mr. Baruah submits that since the case is under the provisions of POCSO Act, notice should be given to the informant.

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

**8.** The petitioner is already facing trial and since he shifted his residence to Morigaon he lost contact with his lawyer and failed to appear on two dates before the trial court.

**9.** This Court is of the opinion that in this case, more particularly, notice need not be issued to the informant.

**10.** Therefore, prayer of the petitioner is allowed.

**11.** The impugned orders directing issue of non-bailable warrant of arrest against the present petitioner in POCSO Case No.44/2020 pending in the court of learned Special Judge, POCSO, Karbi Anglong, Diphu are set aside.

**12.** The petitioner Shohidul Islam is directed to appear before the trial court on

04.11.2024. On his appearance before the trial court, he shall be released on furnishing bail of ₹25,000/- with a surety of like amount to the satisfaction of the learned Special Judge, POCSO, Karbi Anglong.

The criminal petition is disposed of accordingly.

**JUDGE**

**Comparing Assistant**