

GAHC010196852024



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

Case No. : Crl.Pet./1169/2024

KHON SING ENGHI @ KHAN ENGHEE
S/O LATE SARTHEY ENGHI
R/O VILL- MUKHIM ERGHI GAON, P.O. JENGKHA P.S. KHERONI
DIST. WEST KARBI ANGLONG, ASSAM

VERSUS

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

2:SRI SAR IK TIMUNG (COMPLAINANT)
S/O LATE MON TIMUNG
R/O BIKANGJAN
P.S. KHERONI
DIST. WEST KARBI ANGLONG
ASSA

Advocate for the Petitioner : MRS. P BARMAN (BORKAKOTI), MR. S K SINGH
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

05.11.2024

Heard Mr. S. K. Singh, learned counsel for the petitioner. Also heard Mr. D. P. Goswami, learned Additional Public Prosecutor appearing for the State respondent.

By filing this application under Section 482 Cr.P.C., the petitioner has prayed for quashing of the order dated 05.08.2024 passed by the learned JMFC, West Karbi Anglong, Hamren in PRC Case No. 25/2022 arising out of Kheroni PS Case No. 56/2012 whereby the learned JMFC, Hamren issued NBWA and P & A against the present petitioner.

It is submitted by the learned counsel for the petitioner that the petitioner is the resident of village Mukhim Enghi Gaon within the district of West Karbi Anglong, Assam but as per charge-sheet the resident of the accused petitioner has been shown as Langhood Enghee gaon under Kheroni PS. As such the petitioner did not receive any notice/summons from the trial court. However, the petitioner is now ready to face the trial and prayed that warrant of arrest and P & A issued against the petitioner be recalled.

On the other hand, Mr. Goswami, learned Additional Public Prosecutor also submitted that the petitioner may appear before the trial court seeking regular bail.

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

It appears from the order of the trial court dated 23.12.2022 that the accused petitioner though absent but one petition was filed before the trial court showing cause of his absence. But, on subsequent dates as he did not appear before the trial court, warrant of arrest and P & A was issued. It transpires that the petitioner was aware about pendency of the case before the trial court.

In view of the above, the petitioner is directed to appear before the Jurisdictional Magistrate within 10 days from today and if any bail application is filed, the same will be considered in accordance with law.

Accordingly, criminal petition stands disposed of.

JUDGE

Comparing Assistant