

GAHC010197112024



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

Case No. : Crl.Pet./1178/2024

RAMEN BORO
S/O DHULKUCHI GORESHWAR
RANGIA,
P.O. RANGIA,
P.S. GORESHWAR,
DIST. BAKSA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR P K DAS, MR. M BARUAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 25.09.2024

Heard Mr. P.K. Das, learned counsel appearing for the petitioner as well as Mr. R.J. Baruah, learned Additional Public Prosecutor for the State of Assam.

This is an application under Section 482 of the Code of Criminal Procedure, 1973

challenging the order dated 12.07.2024 passed in P.R.C. Case No. 870/2022 pending in the court of the learned Chief Judicial Magistrate, Baksa, Mushalpur.

The petitioner was charge-sheeted u/s 366/368 of the Indian Penal Code. Summons was issued to him but that was not served. In spite of that, he did not appear before the trial court. Thereafter, bailable warrant of arrest was issued against him but that was not served upon him. Finally, the trial court directed to issue non-bailable warrant of arrest against him.

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

I find that there is nothing wrong in issuing the non-bailable warrant of arrest against the petitioner by the trial court.

Since the petitioner is interested to face the trial, he should be given the opportunity to face the trial.

Therefore, the petitioner is directed to appear before the court of the learned Chief Judicial Magistrate, Baksa, Mushalpur. On his appearance, the petitioner Ramen Boro shall be released on bail of Rs. 25,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Baksa, Mushalpur. He shall regularly appear before the trial court at the time of trial.

The criminal petition stands disposed of accordingly.

JUDGE

Comparing Assistant