

GAHC010200052024



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

Case No. : Crl.Pet./1188/2024

DURLOV KHANIKAR @ KRISHNA RAJ
S/O SRI PRANAB KHANIKAR, R/O SACHANI AMGURIGAON, P.O.-
NAHARKATIA, DIST- DIBRUGARH, ASSAM, PIN-786610

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. B K DAS, H P NEOG

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 25.09.2024

Heard Mr. B.K.Das, learned counsel for the petitioner and Mr. B.Sarma, learned Additional Public Prosecutor for the State respondent.

By filing this application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), the petitioner has prayed for setting aside/stay of the order

dated 25.11.2022 and the subsequent orders passed by the learned CJM, Charaideo, Sonari in connection with PRC Case No.19/2021 issuing NBWA against the petitioner.

It is submitted by learned counsel for the petitioner that earlier though the petitioner had appeared before the trial court and obtained bail, subsequently, he had to leave for Alipurduar in search of his job and later on, due to mental depression, he returned back home and now he is under treatment at Guwahati. Therefore, the petitioner prays for recalling of the warrant of arrest issued against him and as such, he may be allowed to appear before the trial court.

On the other hand, learned Addl.P.P. submits that he can approach before the learned trial court.

Having heard learned counsel for the parties and on perusal of the averments as well as annexures, it appears that the petitioner had earlier appeared before the trial court and obtained bail vide order dated 10.08.2022 in PRC Case No.10/2021 and subsequently, he did not appear before the trial court. It transpires that the petitioner had knowledge regarding the pendency of the case before the trial court. His non-appearance in the court appears to be intentional.

Under the above facts and circumstances, it is directed that the petitioner shall appear before the learned trial Court within **15 (Fifteen) days** from today and in the event of filing any bail application, learned trial court will consider the matter in accordance with law.

The criminal petition stands disposed of accordingly.

JUDGE

Comparing Assistant