

GAHC010200062024



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

Case No. : Crl.Pet./1211/2024

DURLOV KHANIKAR
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 PP, ASSAM

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

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 30.09.2024

Heard Mr. B.K. Das, learned counsel appearing for the petitioner and Mr. R.J. Baruah, learned Additional Public Prosecutor for the state of Assam.

2. This is an application under Section 528 of the BNSS, 2023 challenging the impugned orders passed by the learned Judicial Magistrate 1st Class, Charaideo, Sonari

in PRC Case No. 158/2021 against the present petitioner.

3. At the time of filing of the charge-sheet the petitioner was on bail. After getting bail and after filing of the charge sheet, the petitioner went to Alipurduar, West Bengal in search of job. When he came to his native place, he came to know about issue of non-bailable warrant of arrest by the trial court. The petitioner wants to face the trial.

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

6. Since the petitioner wants to face the trial, he should be given the opportunity to face the trial.

7. Therefore, the impugned orders directing issue of non-bailable warrant of arrest against the petitioner are set aside. It is also directed that the petitioner, Durlov Khanikar shall appear before the trial court within next 15 days from today.

8. On his appearance, the trial court shall allow the petitioner to remain on previous bail.

9. With the aforesaid direction, the criminal petition stands disposed.

JUDGE

Comparing Assistant