

GAHC010203332024



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

Case No. : Crl.Pet./1206/2024

BALINDRA DAS @ BALENDRA DAS
S/O LATE RAGHUNATH DAS
PERMANENT RESIDENT OF DATAPUR URF PACH BHINDA,
MUZAFFARPUR, BIHAR-843101, PRESENTLY RESIDING AT COLLEGE
ROAD,
BONGAON, P.S. BASISTHA, BELTOLA, GUWAHATI-781028, ASSAM, DIST.
KAMRUP (M)

VERSUS

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

2:NGANGOM SUNIBALA DEVI
R/O BELTOLA CHARIALI
BASISTHA ROAD
TALBILDER
BUILDING
3RD FLOOR
P.S. BASISTHA

GUWAHATI-781029
DIST. KAMRUP (M)
CONTACT NO. 970684182

Advocate for the Petitioner : MR. A BHATTACHARYA, MS ANKITA SAHARIA, MR S
PAUL, MR. A BHATTACHARJEE, MS. K MALAKAR

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 30-09-2024

Heard Mr. A Bhattacharya, learned counsel for the petitioner and Mr. K K Das, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 528 of the BNSS, 2023 praying for quashing the orders directing issue of NBWA as well as P& A against the petitioner Balindra Das @ Balendra Das by the learned Special Judge, POCSO, Kamrup (M), Guwahati in Sessions Case No. 1023/2019.

The petitioner has been shown as absconder in the charge sheet filed under Sections 8 of the POCSO Act.

It is submitted that without issuing summon, NBWA was directed to be issued against the petitioner.

Now, the petitioner has submitted that he is interested to face the trial and one opportunity should be given to him.

I have considered the submission of the learned counsel of both sides. Since the petitioner intends to face the trial, he is given an opportunity to that effect.

Therefore, the orders directing issue of NBWA as well as P& A against the petitioner Balindra Das @ Balendra Das by the learned Special Judge, POCSO, Kamrup (M), Guwahati in Sessions Case No. 1023/2019 are quashed and set aside.

The petitioner is directed to appear before the learned Special Judge, POCSO, Kamrup (M), Guwahati on 05.10.2024. On his appearance, the learned Special Judge, POCSO, Kamrup (M), Guwahati shall release the petitioner Balindra Das @ Balendra Das on bail of Rs.20,000/- with one surety of like amount to the satisfaction of the learned Special Judge, POCSO, Kamrup (M), Guwahati.

The criminal petition is disposed of.

JUDGE

Comparing Assistant