

GAHC010205132024



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

Case No. : I.A.(Crl.)/943/2024

UDHAB CHANDRA DEKA
S/O LATE HARENDRA DEKA
R/O SARTHEBARI
WARD NO. 1,
SALAKATHIATHER CHUPA
P.S. SARTHEBARI
P.O. SARTHEBARI
DIST. BARPETA, ASSAM
PIN- 781307

VERSUS

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

2:SRI UTPAL DEKA
S/O MADAN DEKA
R/O VILL- SARTHEARI
P.O. SARTHEBARI
P.S. SARTHEBARI
DIST. BARPETA
ASSA

Advocate for the Petitioner : MR. T DEURI, J RABHA,MS A DAS

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 23.10.2024

Heard Mr T.Deuri, learned counsel for the applicant as well as Mr. B.Sharma, learned Addl. P.P., Assam for the State opposite party No.1.

By filing this interlocutory application, the applicant has prayed for suspension of the order, dated 13.06.2024 passed by the learned Addl.CJM, Barpeta in NI Case No. 98/2018 by which NBWA has been issued against the accused applicant.

Learned counsel for the applicant has submitted that the applicant has no knowledge in issuing warrant of arrest against the applicant vide order dated 13.06.2024 and by that time, the applicant has preferred revision petition against the judgment of the appellate court. However, learned counsel for the applicant submits that the applicant has agreed to pay 20% of the compensation which was not paid earlier.

It is also submitted that revision has already been admitted by this court and there is likelihood of getting positive result in the revision application. Accordingly, learned counsel has prayed to recall the warrant of arrest.

Having heard the learned counsel for the parties and also considering the fact that it is a case under Section 138 of the NI Act regarding recovery of money, trial court/ Magistrate is directed to recall the warrant of arrest subject to payment of 20 % of the compensation amount awarded in connection with the

NI Case No. 98/2018.

The interlocutory application stands disposed of.

JUDGE

Comparing Assistant