

GAHC010205832024



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

Case No. : AB/2638/2024

MUCHOI MIA @ MUSABBIR ALI
S/O LT. MUZIAD ALI @ MUZAHID ALI
R/O VILL- MONOSANGAN
P.O. RAKESHINAGAR P.S. KARIMGANJ
DIST. KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M A CHOUDHURY, MR A AHMED, U U KHAN, MR. A AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 01.10.2024

Heard Mr. A. Ahmed, learned counsel appearing for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the state of Assam.

2. This is an application under Section 482 of the BNSS, 2023 in respect of PRC Case No. 40/2024 pending in the court of the learned Judicial Magistrate 1st Class -II,

Karimganj.

3. The petitioner has been charge-sheeted in a case. The case is triable by the Court of Sessions. The petitioner has apprehended that since the court of the learned Judicial Magistrate 1st Class does not have the jurisdiction to entertain his bail application, he will be remanded to custody.

4. The learned counsel for the petitioner submits that the petitioner is interested in facing the trial.

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

6. Since the petitioner has shown interest in facing the trial, he deserves to be given the opportunity to face the trial.

7. Therefore, it is directed that on his appearance before the court of the learned Judicial Magistrate 1st Class -II, Karimganj, the petitioner, Muchoi Mia @ Musabbir Ali shall be released on bail of Rs. 20,000/- to the satisfaction of the learned Judicial Magistrate 1st Class -II, Karimganj.

8. With the aforesaid direction, the criminal petition stands disposed of.

JUDGE

Comparing Assistant