

GAHC010210632024



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

**Case No. : Crl.Pet./1238/2024**

NABA KUMAR DAS  
S/O GHANSHYAM DAS  
R/O GARBHITAR  
P.O. NIZDHAM DHAMA  
PIN CODE- 781349  
DIST. BAKSA, ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PP, ASSAM

**Advocate for the Petitioner** : MR P K BASU, MS N DUTTA, MS. K DEY

**Advocate for the Respondent** : PP, ASSAM,

**:: BEFORE ::**

**HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

**O R D E R**

**03.10.2024**

Heard Mr. P.K. Basu, the learned counsel appearing for the petitioner. Also heard Mr. B. Sarma, the learned Addl. Public Prosecutor, Assam/Respondent No.1.

2. This is an application under Section 528 of the BNSS, 2023 in respect of PRC No.669/2019 pending in the court of learned Judicial Magistrate First Class, Kamrup (M), Guwahati, Assam.
3. The petitioner was *charge sheeted* in a case under Section 387 of the Indian Penal Code.
4. Summons was issued to him but the same was not served. The trial court directed issue of non-bailable warrant of arrest against the present petitioner.
5. The petitioner, now, submits that he is interested in facing the trial and therefore, he should be given an opportunity to that effect.
6. I have considered the submissions made by the learned counsel of both sides.
7. Since the petitioner wants to face the trial, he deserves to be given an opportunity to that effect. Therefore, all orders passed by the learned Judicial Magistrate First Class, Kamrup (M), Guwahati, Assam in respect of PRC No.669/2019 directing issue of non-bailable warrant of arrest against the present petitioner are set aside.
8. The petitioner, namely- Sri Naba Kumar Das is directed to appear before the learned Judicial Magistrate First Class, Kamrup (M), Guwahati in respect of PRC No.669/2019 and on his appearance, he shall be released on bail of ₹20,000/- with surety of like amount to the satisfaction of the said authority i.e. learned Judicial Magistrate First Class, Kamrup (M), Guwahati.

With the aforesaid direction, the criminal petition is disposed of.

**JUDGE**

**Comparing Assistant**