GAHC010210842024

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

Case No. : Crl.Pet./1248/2024

PRATIK MAJUMDAR
S/O SRI MUNINDRA KUMAR MAJUMDAR, HARABALA PATH, HOUSE NO. 04, ULUBARI, GUWAHATI, DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:PABAN KUMAR DOWARI
S/O SRI LOKNATH DOWARI
R/O LUITS DAY REN
BYE LANE NO. 9
GOKUL PATH
DR. ZAKIR HUSSAIN PATH
HENGRABARI
GUWAHATI
P.S.-DISPUR
DIST- KAMRUP (M)
ASSA

Advocate for the Petitioner : A G CHOUDHURY,

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

O R D E R

08.10.2024

Heard Ms. A. G. Choudhury, learned counsel for the petitioner. Also heard Mr. R. R. Kaushik, learned Additional Public Prosecutor, Assam

appearing on behalf of the State respondent.

2. By way of filing this application under Section 528/438/442 of BNSS, 2023, the accused/petitioner is assailing the order dated 19.08.2024 whereby the learned Judicial Magistrate, First Class, Kamrup (M) at Guwahati issued Non-Bailable Warrant of Arrest against the accused/petitioner in connection with CR Case No.3628/2022.

3. It appears that on 31.05.2022, the respondent No.2 filed a complaint against the accused/petitioner under Section 138/142 of the N.I. Act and under Section 420 of the IPC before the Chief Judicial Magistrate, Kamrup (M) at Guwahati thereby claiming for releasing of an amount of Rs.10,00,000/- against dishonour of a cheque bearing No.000012 dated 04.04.2022. In connection with the aforesaid complaint, in view of the non-appearance of the accused/petitioner, the Criminal Court vide the order dated 19.08.2024 issued NBWA against the accused/petitioner through the jurisdictional Commissioner of Police against which the instant Criminal Petition has been filed.

4. Ms. A. G. Choudhury, learned counsel for the accused/petitioner submits that the accused/petitioner is ready and willing to appear on the next date fixed before the Criminal Court and further cooperate in the trial.

5. In view of the aforesaid endorsement made by the learned counsel for the accused/petitioner, this Court deems it fit to dispose of the instant Criminal Petition at the motion stage itself before issuing notice to the informant by directing the accused/petitioner to appear before the Judicial Magistrate, First Class, Kamrup (M) at Guwahati, Assam on 21.10.2024

and if the accused/petitioner appears on the said date, the NBWA issued against the accused/petitioner shall be kept in abeyance.

6. It is needless to clarify that in the event of the accused/petitioner does not cooperate with the trial, the Trial Court is at liberty to proceed against the accused/petitioner in accordance with law.

7. With the above observation and direction, the instant Criminal Petition stands disposed of.

JUDGE

Comparing Assistant