

GAHC010215042024



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

Case No. : Crl.Pet./1266/2024

LACHIT GOGOI
S/O LATE ASHOK GOGOI, A R/O ATALPATHER, P.O.-GHORAJAN, DIST-
CHARAIDEO, ASSAM

VERSUS

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

2:SMTI. PALLAVI CHOUDHURY
W/O ANJAN JYOTI DAS
P/R/O HOUSE NO. 8
DURGASOROBAR, KAMAKHYA GATE
P.S.-JALUKBARI, P.O.-BHARALUMUKH
GUWAHATI, DIST- KAMRUP (M)
ASSAM, INDIA, PIN-78100

Advocate for the Petitioner : MR. P BOIRAGI, A TALUKDAR,MR G G GOGOI,MRS. B
TALUKDAR,MR. S J SARMAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 08-10-2024

Heard Mr. S. J. Sarmah, learned counsel appearing for the petitioner. Also heard Mr. K. Baishya, learned Additional Public Prosecutor, Assam, appearing for the respondent No. 1.

By way of this Criminal Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 the petitioner is seeking recalling of the Non-bailable warrant of Warrant of Arrest issued against the petitioner vide order dated 30.07.2024, passed by the Judicial Magistrate, First Class, Kamrup (M), in C.R. Case No. 4257/2021, under Section 138 of the N.I. Act.

It appears that pursuant to a complaint case filed against the petitioner under Section 138 of the N.I. Act, and upon a case being registered as C.R. Case No. 4257/2021, the trial commenced before the trial court. It also appears that the accused-petitioner, after appearance and being released on bail, appeared before the trial court. However, due to subsequent non-appearance of the accused-petitioner, a Non-bailable Warrant of Arrest was issued against the accused-petitioner vide the aforesaid order dated 30.07.2024.

Mr. S.J. Sarmah, learned counsel for the petitioner submits that the petitioner is ready and willing to appear before the trial court on the next date fixed, i.e. 16.12.2024.

In view of the aforesaid endorsement made by the learned counsel for the petitioner, this Court deems it appropriate to dispose of this Criminal Petition at the motion stage itself, before issuance of notice to the informant, by directing the petitioner to appear before the Court of the Judicial Magistrate, First Class, Kamrup (M), on the next date fixed, i.e. 16.12.2024 and on such appearance of the petitioner, the Non-Bailable Warrant of Arrest issued against him shall be kept in abeyance.

It is needless to say that in the event the petitioner does not cooperate with the ongoing trial, the trial court is at liberty to proceed in accordance with law.

With the above observations and directions, this Criminal Petition stands disposed of.

JUDGE

Comparing Assistant