

GAHC010216082024



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

Case No. : Crl.Pet./1273/2024

KAMAL SAIKIA
S/O LILADHAR SAIKIA, R/O VILL- SUTAR KUTAIPAR, P.S.-KHATOWAL,
DIST- NAGAON, ASSAM, PIN-782141

VERSUS

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

2:RITUMONI BORA
W/O SRI CHANDRA BORA
VILL- KHUTIKOTIA
MOUZA- KASOMARI
P.S.-SADAR
DIST- NAGAON (ASSAM)

Advocate for the Petitioner : MR A A DEWAN, MR H A RASHID, M.A. ISLAM

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

06.11.2024

Heard Mr. A.A. Dewan, the learned counsel appearing for the petitioner. Also heard Mr. R.R. Kaushik, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 528 of the BNSS, 2023 praying for quashing the order directing issue of Non-Bailable Warrant of Arrest against the present petitioner in respect of Sessions (T-2) Case No.566(N)/2013 pending in the court of learned Addl. Sessions Judge No.3, Nagaon.
3. The petitioner is facing trial in a case under Section 366 of the IPC.
4. The trial court issued summons and bailable warrant of arrest against the present petitioner. The orders do not reflect as to whether summons and bailable warrant of arrest were served or not. Thereafter, the court directed issue of Non-Bailable Warrant of Arrest on 17.11.2023.
5. The petitioner has submitted that he is interested in facing the trial.
6. Under the given facts and circumstances of the case, this Court is of the opinion that the petitioner deserves to be given an opportunity to face the trial.
7. Therefore, the impugned orders directing issue of Non-Bailable Warrant of Arrest against the present petitioner is set aside.
8. It is hereby directed that on his appearance before the trial court at Nagaon, the petitioner Kamal Saikia shall be released on bail of ₹25,000/- with a surety of like amount to the satisfaction of the learned trial court.

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

JUDGE

Comparing Assistant