

GAHC010218572024



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

Case No. : Crl.Pet./1280/2024

PARVEZ AHMED BARBHUIYA
S/O LATE SAFIUR RAHMAN BARBHUIYA,
R/O HAILAKANDI TOWN,
WARD NO. 12, P.S. AND DIST. HAILAKANDI, ASSAM,
PIN-788155,
MOBILE NO. 9101242216

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY, S ISLAM, MR M ROHMAN, MR J ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 22.10.2024

Heard Mr. H.R.A. Choudhury, learned Senior counsel assisted by Mr. J. Islam, learned counsel for the petitioner. Also heard Mr. K.K. Parasar,

learned Additional Public Prosecutor for the State.

This application has been preferred under Section 482 Cr.P.C. r/w Section 397/401 of the said Code, praying for recalling/modifying the impugned orders dated 11.06.2024 and 08.07.2024 issuing NBWA and 09.08.2024 and 17.09.2024 issuing P/A against the petitioner in connection with G.R. Case No. 1535/2017 passed by the learned JMFC(I), Karimganj, Assam.

It is submitted by the learned Senior counsel for the petitioner that the petitioner is an Accredited Engineer at Udharbond Dev Block, Dist. Cachar, Assam. It is also submitted that during proceeding of the case, summon was served to the petitioner and due to physical illness, the engaged counsel took step(s) showing cause of his absence. In the meantime, the petitioner was transferred to another place for which the engaged lawyer failed to inform the status of the case to the petitioner. Thereafter, the petitioner could not appear before the learned trial court on fixed dates as a result of which, the learned trial court issued NBWA and P/A against the petitioner. Under such backdrop, the learned counsel for the petitioner has prayed that the warrant of arrest and P/A be recalled.

On the other hand, Mr. Parasar, learned Additional Public Prosecutor has submitted that the petitioner may approach before the learned trial court seeking regular bail.

I have considered the submissions made by the learned counsel for the parties.

In view of the above, the petitioner is directed to appear before the trial court within 15(fifteen) days from today and in the event of filing

any bail application, the same will be considered in accordance with law. Till such appearance of the petitioner before the trial court, the NBWA and P/A issued against him, be kept in abeyance.

The criminal petition stands disposed of.

JUDGE

Comparing Assistant