

GAHC010222182024



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

Case No. : Crl.Pet./1295/2024

SRI ELIHAZAR GONOK@GANAK
S/O AMUCH GANOK
VILL- CHITALAMARI, P.S. MERAPANI
DIST. GOLAGHAT, ASSAM
PIN-785705

VERSUS

THE STATE OF ASSAM AND ANR.
THROUGH THE PP, ASSAM

2:PRADEEP KUMAR AGARWALLA
S/O N.P. AGARWALLA
VILL- STATION CHARIALI
DIST. SIVASAGAR
PIN-78564

Advocate for the Petitioner : MR. A DUTTA,
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

29.10.2024

Heard Mr. A. Dutta, learned counsel for the petitioner. Also heard Mr. D. P. Goswami, learned Additional Public Prosecutor appearing for the State respondent.

By this application filed under Section 528 BNSS, the petitioner has prayed to quash the order dated 07.09.2023 and subsequent orders issuing NBWA against the petitioner by the learned Additional Sessions Judge, Sivasagar in Sessions Case No. 16 (S-S)2023 under Section 380/413 IPC (arising out of Sivasagar PS Case No. 834/2020).

It is submitted by the learned counsel for the petitioner that the petitioner had no contact with his counsel. Petitioner used to reside in the district of Golaghat and the case is pending in the court of Sivasagar District. So the petitioner was not in a position to appear before the trial court and warrant of arrest was issued against him. However, the petitioner is now ready to face the trial and prayed that warrant of arrest issued against the petitioner be recalled.

Mr. B. Sarma, learned Additional Public Prosecutor has submitted that the petitioner may appear before the trial court seeking regular bail. He further submitted that other accused persons are regularly appearing before the trial court.

I have considered the submissions made by the learned counsel for the parties and also perused the order dated 07.09.2023 which reflects that the petitioner remained absent before the court for more than one year.

In view of the above, the petitioner is directed to appear before the trial court and in the event of filing any bail application, the trial court shall consider the matter in accordance with law.

Accordingly, criminal petition stands disposed of.

JUDGE

Comparing Assistant