

GAHC010224272024



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

Case No. : Crl.Rev.P./432/2024

BHASKAR GOGOI
S/O LATE BADAN GOGOI
R/O 1 NO. KESUKHONA MISAMARI,
P.S. DHEMAJI
P.O. DHUBABARI
DIST. DHEMAJI, ASSAM
PIN- 787058

..... Petitioner

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP, ASSAM

2:M/S K.G. TRADERS
SITUATED AT SAHID KHAGESWAR BAZAR
PARBOTIA ROAD
NEAR ASEB

P.O. AND P.S. TINSUKIA
DIST. TINSUKIA
ASSAM
PIN-78612

..... Respondents

Advocate for the Petitioner : MR H BARUAH, MR P P PHUKAN

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

05.11.2024

Heard Mr. H Baruah, learned counsel for the petitioner and Mr. M P Goswami, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 438 of the BNSS, 2023 challenging the orders dated 21.05.2024, 07.08.2024 and 17.09.2024 passed by the learned Additional Chief Judicial Magistrate, Tinsukia in N.I. Case No. 25/2018.

The petitioner is an accused in a complaint case filed under the provisions of NI Act. Notices were issued against him. Warrant of Arrest was also issued against the petitioner. Since the Warrant of Arrest was not executed, the court directed issued of P&A against the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is interested in facing the trial because he has already paid a part of the amount.

Mr. Goswami, learned Additional Public Prosecutor has submitted that since P&A has been issued against petitioner, it is not permissible in law to give protection to him.

Having heard the learned counsel of both sides, it is hereby directed that, all the orders issuing Non Bailable Warrant of Arrest against the present petitioner in connection with N.I. Case No. 25/2018 by the learned Additional Chief Judicial Magistrate, Tinsukia are set aside and quashed.

The petitioner is directed to appear before the trial court on 25.11.2024 and on his appearance, the trial court shall proceed in accordance with law.

The criminal revision petition is disposed of.

JUDGE

Comparing Assistant