

GAHC010236982024



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

Case No. : Crl.Pet./1391/2024

NILOTPAL NATH
S/O JITENDRA KUMAR NATH
R/O HOUSE NO. 6, UDAYAN PATH-1,
JAYANAGAR, P.S. BASISTHA, GUWAHATI-29, DIST. KAMRUP (M), ASSAM

VERSUS

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

2:M/S MUKESH HYUNDAI
REPRESENTED BY SRI SAURABH MODI
THE GENERAL MANAGER
KUSHAN PLAZA
GANESHGURI
P.S. DISPUR
DIST. KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. K K HANDIQUE, MS M BORA, MR. J SINGH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

20.11.2024

1. Heard learned counsel Mr. K. K. Handique for the petitioner Nilotpall Nath.
2. This application has been filed by the petitioner under Section 528 of the BNSS, 2023 challenging the Judgment and Order dated 27.06.2024 passed by the learned Court of Judicial Magistrate 1st class, Kamrup (M) in CR Case No. 1516/2019, whereunder the learned Trial Court has issued P&A against the petitioner.
3. Heard Mr. K. K. Das, learned Additional Public Prosecutor, Assam for the respondent State.
4. Learned Additional Public Prosecutor has accepted notice on behalf of the respondent no. 2, and thus no formal notice is required to be issued.
5. It is submitted on behalf of the petitioner that the petitioner is willing to co-operate with the trial. He has earlier been enlarged on bail by the learned Trial Court but the petitioner lost contact with his engaged counsel and the petitioner was not aware that NBWA and P&A was issued against him. It is submitted that the petitioner lost his mobile phone and so he was unable to communicate with his engaged counsel, and as a result he was unaware about the pendency of the proceeding and the NBWA and P&A that was issued against him.

6. I have considered the submissions at the Bar with circumspection. I have taken a pragmatic view as the petitioner is willing to cooperate with the case i.e., C.R. Case No. 1516/2019. The petitioner may appear before the Trial Court and cooperate with the proceeding which may prevent procrastination.
7. It is further submitted that there is every possibility that the petitioner will amicably settle the dispute with the respondent no. 2/ complainant.
8. Till then, the NBWA and P&A issued against the petitioner shall be kept in abeyance for 15 days, and within 15 days, the petitioner is directed to appear before the learned Trial Court and cooperate with the trial.
9. In terms of the above observation, petition stands disposed of.

JUDGE

Comparing Assistant