

GAHC010244282024



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

Case No. : Crl.Pet./1427/2024

DURLOV KHANIKAR
S/O SRI PRANAB KHANIKAR
R/O SACHINI AMGURIGAON
P.O. NAHARKATIA
DIST. DIBRUGARH, ASSAM
PIN- 786610

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. P MAJUMDAR, UDAY SAIKIA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

06.12.2024

Heard Mr. P Majumdar, learned counsel for the petitioner and Mr. D. Das, learned Additional Public Prosecutor, Assam.

This application has been filed by the petitioner Sri Durlov Khanikar under Sections 528/438 and 442 of the BNSS, 2023 in respect of PRC Case No 930/2022 pending in the court of the learned Additional Chief Judicial Magistrate, Tinsukia.

The petitioner is shown as an accused in the charge sheet. Some other persons are also named in the charge sheet. Although the other accused have appeared, the petitioner had to go outside State in search of work. Moreover,

his family members refused to receive summons issued to him. In such way, the BWA and NBWA could not be executed. Finally, trial court issued P & A against the present petitioner.

The petitioner submits that he had to go outside State in search of work. That is the reason why he could not come in time. Further, the petitioner submits that his wife is also in advance stage of pregnancy.

Now, the petitioner has submitted that he is now ready to appear before the learned court and face the trial.

I have considered the submissions made by the learned counsel of both sides.

Since the petitioner is interested to face the trial, he deserves to be given the opportunity to that effect.

Therefore, all orders issuing NBWA and P&A against the petitioner by the learned Additional Chief Judicial Magistrate, Tinsukia in PRC Case No 930/2022 are set aside.

It is hereby directed that the petitioner shall appear before the trial court within next 7 (seven) days from today and on his appearance, the trial court shall release him on bail of Rs.25,000/- with one surety of like amount to the satisfaction of the learned Additional Chief Judicial Magistrate, Tinsukia.

The criminal petition is disposed of.

Petitioner is directed to appear before the trial court at the time of hearing. It is made clear that if he fails to appear before the court without showing any proper reason, the trial court shall have the liberty to take steps as per law.

The criminal petition is disposed of.

JUDGE

Comparing Assistant