

GAHC010244532024



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

Case No. : Crl.Pet./1442/2024

GOLAM HUSSAIN
S/O AYNAL HAQUE
VILL- NO. 6 JAMDOHA
P.O. BHANDARA BAZAR
P.S. MANIKPUR
DIST. BONGAIGAON, ASSAM
PIN-783390

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. M U MAHMUD, MS. D BORA, MR S ISLAM, MS. F RAHMAN, MS. B CHETIA, MR S H MAHMUD

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 28.11.2024

Heard Mr. S.J. Sarmah, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State respondent.

This is a petition filed under Section 528 of the BNSS, 2023 against the order dated 10.09.2024 passed by the learned CJM, Kamrup (M), whereby, the learned trial Court issued NBWA against the petitioner in connection with G.R. Case No.10735/2015 corresponding to Sonapur P.S. Case No.293/2015, Under Section 279/304(A) IPC

It is submitted by the learned counsel for the petitioner that he was regularly appearing before the learned trial court below on each and every date and on 07.03.2024 and 13.06.2023, the case was fixed for recording of evidence of I/O and in those dates, the accused petitioner was also present before the Court below. But on 10.09.2024 due to some personal inconvenience , he could not appear before the trial Court below and his counsel did not take steps on his behalf, for which, the learned trial Court below issued NBWA against the petitioner on 10.09.2024 and on subsequent date i.e. on 18.11.2024.

Learned counsel for the petitioner submits that the accused is regularly appearing before the learned Court below and was contesting the case. However, on 10.09.2024 only, he could not appear before the trial Court below and considering his absence, NBWA was issued. However, he is ready and willing to appear before the trial Court and to contest the case, if some kind of interim protection is given till his appearance before the Trial Court below.

Learned Additional Public Prosecutor has submitted in this regard that direction may be given to the present petitioner to appear before the trial Court below with an appropriate application for bail.

Considering all aspect of the case and also considering the fact that NBWA was issued against him only for his absence on 10.09.2024, the petitioner is hereby directed to appear before the trial Court below with an appropriate application for bail which shall be considered in accordance with law. However, till the next date fixed, i.e. on 20.01.2025, the petitioner may be protected and NBWA issued against him may be stayed/suspended.

With the above observation and direction, the petition stands disposed of.

JUDGE

Comparing Assistant