

GAHC010244902024



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

Case No. : Crl.Pet./1400/2024

DR. RAJIB KUMAR MOHOTTA
S/O LATE SONU RAM MOHOTTA R/OVILL- BISHNUPUR,P.O. AND P.S.
MORANHAT, DISTRICT-CHARAIDEO, ASSAM, PIN-785670

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:SANJAY TALUKDAR
S/O- BHADRESWAR TALUKDAR

R/O- VILLAGE TITKA

P.O- PATHSALA
P.S- PATHSALA
DIST- BAJALI
ASSAM
PIN-78132

Advocate for the Petitioner : MR. M KALITA, MR. N M DAS,MR. A PHUKAN,MR. J
HATIMURIA

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

04.12.2024

Heard Mr. M. Kalita, the learned counsel appearing for the petitioner. Also heard Mr. R.R. Kaushik, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 528 of the BNSS, 2023 challenging the order dated 14.11.2024 passed by the learned Chief Judicial Magistrate, Bajali, Pathsala passed in N.I. Case No.21/2024.

3. The petitioner has been facing trial before the court of learned Chief Judicial Magistrate, Bajali, Pathsala. On 14.11.2024, he filed an application through his lawyer seeking adjournment but the said lawyer did not appear before the court. Apart from that reason, for some other reasons which do not require to be mentioned here, the trial court rejected the prayer of the petitioner and directed issue of warrant of arrest against him.

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

5. It appears that the petitioner has not yet appeared before the trial court. On each and every date he used to file applications seeking adjournment. However, for the ends of justice, this Court has decided to provide the petitioner with an opportunity to appear before the trial court.

6. Therefore, the impugned order dated 14.11.2024 asking issue of warrant of arrest against the present petitioner is set aside. The petitioner is directed to appear before the trial court i.e. learned Chief Judicial Magistrate, Bajali Pathsala on 11.12.2024. On his appearance, he shall be released on bail of ₹20,000/- with a surety of like amount to the satisfaction of the Chief Judicial Magistrate, Bajali Pathsala.

With the aforesaid direction, the present petition is disposed of.

JUDGE

Comparing Assistant