

GAHC010247132024



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

Case No. : Crl.Pet./1426/2024

DR. BIDYUT BIKASH BAISHYA
S/O SHRI SHON CHARAN BAISHYA
R/O HOUSE NO. 2, BHASKAR NAGAR,
P.O.BAMUNIMAIDAM, P.S. GEETANAGAR, DIST. KAMRUP (METRO),
ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR N Z CHOUDHURY, MR N A MAZARBHUIYA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 26-11-2024

Heard Mr. N.Z. Choudhury, the learned counsel for the petitioner and also heard Mr. D.P. Goswami, the learned Addl. PP appearing for the State respondent.

2. This is an application u/s 528 read with Sections 438/442 of the BNSS, 2023 for quashing and setting aside the order dated 09.07.2024 in PRC Case No. 1627 of 2018 passed by learned Additional CJM, Kamrup (M), Guwahati whereby a Non-Bailable Warrant of Arrest was issued against the present petitioner.

3. It is submitted by Mr. Choudhury, the learned counsel for the petitioner that the present petitioner is a College Professor and presently discharging his duty as an Assistant Professor in Pragjyotish College, Guwahati. After receiving summon he was regularly appearing before the learned Trial Court below and on 09.07.2024 only he was absent without step as his engaged counsel did not take steps on behalf of him and for which the NBWA was issued by the learned Trial Court below fixing the next date on 30.12.2024. He is ready and willing to appear before the learned Trial Court below and to contest the case and accordingly he submitted that NBWA issued against him may be stayed or suspended giving him an opportunity to the present petitioner to appear before the learned Trial Court below.

4. Mr. Goswami, the learned Additional PP submitted in this regard that the petitioner may be directed to appear before the learned Trial Court below with an appropriate application for bail.

5. Considering the submissions made by learned counsel for both sides, annexure filed against the petition and other aspects of the case, the present petitioner is accordingly directed to appear before the learned Trial Court below on or before next date of listing and till then the NBWA issued against the present petitioner shall be stayed.

6. With the above observations, the above case is disposed of at the motion stage.

JUDGE

Comparing Assistant