

GAHC010249992024



2024:GAU-AS:12452

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

Case No. : Crl.Pet./1482/2024

KARUNA LASKAR
S/O KRISHNARAM LASKAR
R/O BORKOLA, P.S. NAGAON SADAR, IN THE DISTRICT OF NAGAON,
ASSAM, PIN-782144

VERSUS

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

2:UTTAM CHANDRA LASKAR
S/O LALIT LASKAR
R/O VILL- BORKHOLA
P.S. SADAR
IN THE DISTRICT OF NAGAON
ASSA

Advocate for the Petitioner : MR A SHARMA,

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

10.12.2024

Heard Mr. A. Sharma, learned counsel for the petitioner. Also heard Mr. S. H. Borah, learned Additional Public Prosecutor for the State respondent.

This application is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying for the quashing of the Order dated 03.10.2024, passed by the learned Additional Chief Judicial Magistrate, Nagaon, in PRC Case No. 1776/2015, wherein, P & A was issued against the petitioner, declaring him a proclaimed offender.

It is submitted by the learned counsel for the petitioner, Mr. Sharma, that the present petitioner was granted bail by the learned Trial Court on 08.09.2022, after the filing of the charge-sheet. Thereafter, in order to earn his livelihood, he moved to Secunderabad. He further submits that neither his engaged counsel nor his family members informed him about the issuance of warrant against him, and hence, he was not aware of the pendency of the case or the issuance of the warrant. After returning from Secunderabad, he only came to know that the learned Trial Court had declared him an absconder. He further submits that the present petitioner is still ready and willing to appear before the learned Trial Court and contest the case on each and every date fixed, if he is provided with some interim protection.

In this context, Ms. Borah, the learned Additional Public Prosecutor, has submitted that the learned Trial Court had already declared the accused/petitioner a proclaimed offender after exhausting all the formalities and considering the report submitted by the executing officer. Therefore, it is not a fit case to grant any interim protection to the petitioner as he has already been declared an absconder. However, he may be directed to appear before the Trial Court with a proper application for bail.

After hearing the submissions made by the learned counsels for both sides, and perusing the case record, it is seen that, by order dated 03.10.2024, the learned Trial Court, had declared the petitioner as an absconder after being satisfied with the report submitted by the executing officer. Thus, it is evident that after exhausting all the formalities and taking all endeavour to procure the attendance of the accused/petitioner, the learned Trial Court took the final step by issuing P & A and declaring the petitioner a proclaimed offender.

Considering the submissions made by the learned counsels for both sides, it is the considered opinion of the Court that the petitioner may approach before the learned Trial Court with an appropriate application for regular bail. Upon filing such a petition, the learned court below shall consider and dispose of the same in accordance with the law.

With the above observation, this criminal petition stands disposed of.

JUDGE

Comparing Assistant