

GAHC010254882024



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

**Case No. : Crl.Pet./1470/2024**

MOINUDDIN ALI  
S/OMD. CHANDU SEIKH  
R/O JAWKATADIA  
P.S. BOKO  
DIST. KAMRUP, ASSAM

VERSUS

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

2:SHAHOR BHANU  
D/O PASHAN ALI  
VILL- BHALUKABARI  
P.S. CHHAYGAON  
DIST. KAMRUP  
ASSA

**Advocate for the Petitioner : MR. A PARAMANIK, P. KALITA**

**Advocate for the Respondent : PP, ASSAM,**

**BEFORE  
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

**ORDER**

**Date : 18.12.2024**

- 1.** Heard Mr. A. Paramanik, learned counsel for the petitioner. Also heard Mr. D. P. Goswami, learned Additional Public prosecutor for the State of Assam.
- 2.** This is an application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, in respect of Sessions Case No.144/2019, pending in the Court of learned Sessions Judge, Kamrup, Amingaon.
- 3.** The petitioner has been facing trial before the Court below in respect of the aforesaid case, thereafter to earn his livelihood he went to the state of Karnataka and therefore he could not appear in the Trial Court on many dates.
- 4.** Therefore the Trial Court directed to issue of non-bailable warrant of arrest against the present petitioner. Now the petitioner has returned, he submits that he is interested in facing the trial.
- 5.** I have considered the submissions made by learned counsel for both the sides.
- 6.** Since the petitioner is interested in facing the trial, he deserves to be given one opportunity to that effect.
- 7.** Therefore the application is allowed.
- 8.** All orders directing issue of non-bailable warrant against the present petitioner Moinuddin Ali in respect of Sessions Case No.144/2019, pending in the Court of the learned Sessions Judge, Kamrup, Amingaon are set aside.
- 9.** The petitioner is directed to appear before the Trial Court on 20.12.2024.
- 10.** On his appearance, he shall be released on fresh bail of Rs.25,000/- with a

surety of like amount to the satisfaction of the learned Sessions Judge, Kamrup, Amingaon.

**11.** With the aforesaid direction the Criminal Petition stands disposed of.

**JUDGE**

**Comparing Assistant**