

GAHC010255182023



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

Case No. : Crl.Pet./1285/2023

MD. MAJIBUR RAHMANI @ MAJIBUR ALI
S/O SIDDIQUE ALI
R/O VILL-KARCHUABORI, (BALIMUKH) P.S. JAGIROAD,
DIST. MORIGAON, ASSAM

VERSUS

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

2:MUSSTT. SALEMA KHATUN
W/O MD. SUBED ALI
R/O VILL- KARCHUABORI
(BALIMUKH) P.O. JHARGAON
P.S. JAGIROAD
DIST. MORIGAON
ASSAM

Advocate for the Petitioner : MD B ISLAM, MR A ALAM,MR S HUSSAIN,MR. A A MONDAL

Advocate for the Respondent : PP, ASSAM, MR. B HUSSAIN

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 28.10.2024

Heard Mr. N. J. Dutta, learned counsel appearing for the petitioner. Also heard Mr. M. P. Goswami, learned Additional Public Prosecutor for the State of Assam and Mr. B. Hussain, learned counsel for the informant.

This is an application under Section 482 of the Code of Criminal Procedure, 1973 challenging the orders passed by the learned Judicial Magistrate First Class, Morigaon in connection with PRC Case No. 334/2020, directing issue of Non-bailable Warrant of Arrest against the petitioner.

The bailable warrant of arrest issued against the present petitioner was executed. Thereafter on 20.05.2023, the petitioner did not appear before the Trial Court and showed cause of his absence by filing a petition. The Trial Court did not consider the said application and directed issue of Non-bailable Warrant of Arrest against the present petitioner.

The petitioner now submits that he is interested in facing the trial.

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

Since, the petitioner is interested in facing the trial, he deserves to be given an opportunity to face the trial to that effect. Therefore, is hereby directed that whenever the petitioner, namely, Md. Majibur Rahman @ Majibur Ali shall appear before the Court of the learned Judicial Magistrate First Class, Morigaon in connection with PRC Case No. 334/2020 shall be released on bail of Rs.25,000/- (Rupees Twenty Five Thousand) with a surety of like amount to the satisfaction of the learned Judicial Magistrate First Class, Morigaon.

With the aforesaid directions, the criminal petition stands disposed of.

JUDGE

Comparing Assistant