

GAHC010256982024



2024:GAU-AS:12318

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

Case No. : Crl.Pet./1477/2024

PRADIP SINHA
S/O LATE BRAJADHAN SINHA
R/O VILL- BHAKATPUR
P.O. BHAKATPUR
P.S. SILCHAR
DIST. CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
TO BE REP BY THE LEARNED PP, ASSAM

2:SUKUMAR SINHA
S/O LATE KIRTIGOPAL SINHA
R/O LANE -23

P.O. VIVEKANANDA ROAD
P.S. SILCHAR
DIST. CACHAR

STATE- ASSAM
PIN-78800

Advocate for the Petitioner : MR. A R BHUYAN, MR N Z CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

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

05.12.2024

Heard Mr. N. Z. Choudhury, learned counsel for the petitioner. Also heard Mr. D. P. Goswami, learned Additional Public Prosecutor for the State respondent.

This is an application filed under Section 528 read with Sections 438/442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying for the quashing of the Non-Bailable Warrant of Arrest issued against the petitioner by the learned Additional Chief Judicial Magistrate, Cachar, Silchar, in N.I. Case No. 280/2019, vide order dated 18.06.2024.

It is submitted by the learned counsel for the petitioner, Mr. Choudhury, that cognizance of this case was taken on 20.12.2019, and due to the pandemic, the petitioner received the summons in March-April' 2023. However, during that period, a compromise was reached between the parties, and the petitioner did not appear before the learned Trial Court, expecting that the matter would be disposed of on compromise. Subsequently, considering his absence, the Trial Court issued a NBWA against the petitioner on 30.08.2023 due to his absence on subsequent dates. It is contended by the petitioner that he could not appear before the Trial Court as he was occupied with the medical treatment of a family member and was also apprehensive of being arrested in connection with this case. He further submits that the petitioner is still ready and willing to appear before the learned Trial Court on each and every date fixed, if the order of issuance of warrant is being suspended.

In this context, the learned Additional Public Prosecutor, Mr. Goswami, has submitted that the petitioner has been absconding for 1 and ½ years. Hence, considering the conduct of the petitioner, it is requested that he be directed to appear before the Court and seek regular bail, if he is ready to contest the case.

Considering the submissions made by the learned counsels for both sides and also considering the conduct of the accused/petitioner, I hereby direct the petitioner to appear before the Court of learned Trial Court within 10 (ten) days from today and to file a fresh petition for regular bail and upon filing of such petition, the learned Court below shall consider and dispose of the same in accordance with law. And, till then, the execution of NBWA, if any, issued against the petitioner, stands stayed/ suspended.

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

JUDGE

Comparing Assistant