

GAHC010264002024



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

Case No. : Crl.Pet./1538/2024

RAFIKUL KHAN
S/O HAKIM ALI
VILL- GUMAPHULBARI, P.S. TARABARI
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
S/O HAKIM ALI
VILL GUMAPHULBARI,
P.S. TARABARI
DIST. BARPETA, ASSAM

Advocate for the Petitioner : MR. R ALI, MR. MUSTAFA HUSSAIN, MR H A AHMED

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

17.12.2024

Heard Mr. R. Ali, the learned counsel appearing for the petitioner. Also heard Mr. R.R. Kaushik, the learned Addl. Public Prosecutor, Assam.

- 2.** This is an application under Section 528 read with Section 438/442 of the BNSS, 2023 challenging the impugned order dated 03.09.2024 and all other subsequent orders passed by the learned Sessions Judge, Barpeta in Sessions Case No.02/2024 directing issue of Non-Bailable Warrant of Arrest (NBWA) against the present petitioner.
- 3.** The petitioner was earlier appearing and contesting the case before the trial court. Thereafter, on one particular date, i.e. 03.09.2024, he could not appear before the said court. Therefore, the trial court directed issue of NBWA against him.
- 4.** The petitioner submits that he is interested in facing the trial. He prayed that he deserves to be given one opportunity to contest the case.
- 5.** I have considered the submissions made by the learned counsel of both sides.
- 6.** Since the petitioner is willing to face the trial, he deserves to be given an opportunity to that effect.
- 7.** Therefore, the impugned order dated 03.09.2024 and all other subsequent orders directing issue of NBWA against the present petitioner, namely- Rafikul Khan passed by the learned Sessions Judge, Barpeta in Sessions Case No.02/2024, are set aside.
- 8.** The present petitioner is directed to appear before the trial court on 20.12.2024. On his appearance, he shall be allowed to remain on previous bail.

With the aforesaid direction, the Criminal Petition is disposed of accordingly.

JUDGE

Comparing Assistant