

GAHC010264342024



undefined

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

Case No. : Crl.Pet./1514/2024

MUSTAFIZUR RAHMAN
S/O ABU BAKKAR SIDDIQUE
R/O VILL- DATTAKUCHI
P.O. DABALIA PARA,
P.S. AND DIST. BARPETA, ASSAM
VERSUS

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

2:MIR HUSSAIN AHMED
S/O ALI AKBAR AHMED
R/O OWLY TOWN
WARD NO. 3.
P.S. HOWLY
DIST. BARPETA
ASSAM
PIN-78131

Advocate for the Petitioner : MR. S U AHMED, MR A HAWARI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

12.12.2024

Heard Mr. S U Ahmed, learned counsel for the petitioner and Mr. D Das, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 528 of the BNSS,2023 praying for quashing all

orders directing issue of NBWA and P&A by the learned Judicial Magistrate 1st Class, Barpeta in GR Case No. 7876/2015.

The petitioner is facing trial under Section 392 of the IPC. But, after some time, he stopped appearance in the trial. Therefore, the trial court passed the impugned orders to procure his attendance.

The petitioner has submitted that due to loss of connection with his lawyer those things were happened. Further, the petitioner submits that he is interested for facing the trial.

I have considered the submission made by the learned counsel of both sides.

Since the petitioner is interested in facing the trial, this court is of the opinion that the petitioner should be given an opportunity to face the trial. Therefore, all impugned orders directing issue of NBWA and P&A against the present petitioner Mustafizur Rahman by the learned Judicial Magistrate 1st Class, Barpeta in GR Case No. 7876/2015 are set aside and quashed.

The petitioner is directed to appear before the trial court on 20.12.2024 for receiving further orders.

On his appearance, the petitioner shall be allowed to remain on previous bail.

The criminal petition is disposed of.

JUDGE

Comparing Assistant