

GAHC010267332024



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

Case No. : Crl.Pet./1529/2024

JITEN KALITA
S/O LATE SONARAM KALITA
R/O RPALI PATH, NIZ MANKOTTA
KHONIA GAON, P.S. DIBRUGARH,
DIST. DIBRUGARH, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR, MR K HUSSAIN,MR P KALITA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 16-12-2024

Heard Mr. S. Munir, the learned counsel for the petitioner. Also heard Ms. S.H. Bora, the learned Additional Public Prosecutor appearing on behalf of State respondent.

2. This is an application u/s 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for setting aside/quashing of the order for issuing NBWA against the present petitioner vide order dated 20.01.2023 and the subsequent orders passed by the learned Munsiff No. 1 Cum JMFC, Goalpara in G.R. Case No. 1285(A) of 2008 u/s 409/34 IPC.

3. It is submitted by Mr. Munir that the present petitioner was appearing before the learned Trial Court below regularly through his engaged counsel and also he appeared some time personally before the learned Trial Court below. But, on 20.01.2023 considering the submission made by the engaged counsel that he could not make any contact with the present petitioner, his prayer filed through the engaged counsel was rejected and NBWA was issued against him directing him to appear before the learned Trial Court below personally. He could not appear before the learned Trial Court below personally as he is a person from Dibrugarh and the case was pending at Goalpara Court. However, he was regularly appearing through his engaged counsel. But, he did not receive any information from his engaged counsel and as he was under treatment for his various ailments, he could not appear before the learned Trial Court below. After issuance of P&A only he came to know about issuance of NBWA against him. And hence the present petition has been filed praying for one more chance to allow him to appear before the learned trial Court below with a further prayer to suspend the NBWA issued against the present petitioner.

4. Mr. Munir further submitted that he is ready and willing to appear before the learned Trial Court below and to contest the case if some interim protection is provided to him.

5. Ms. S.H. Bora, the learned Additional Public Prosecutor submitted in this

regard that one more chance be given to the present petitioner with a direction to appear before the learned Trial Court below with an appropriate application for bail which may be considered in accordance with law.

6. Hearing the submissions made by learned counsel for both sides and considering all aspects of the case, this Court is of the opinion that one more chance may be given to the petitioner to appear before the learned Trial Court below with an appropriate application for bail which shall be considered in accordance with law. He is accordingly directed to appear before the learned trial Court below on or before 21.12.2024. Till then, the NBWA issued against the present petitioner be stayed/suspended.

The criminal petition stands disposed of.

JUDGE

Comparing Assistant