

GAHC010268802024



undefined

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

Case No. : Crl.Pet./1536/2024

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

VERSUS

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

2:SHAH ALOM BHUYAN
S/O LATE AFAZUDDIN BHUYAN
R/O VILL RAUMARI PATHAR
P.S. TARABARI
DIST. BARPETA
ASSAM
PIN-78130

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

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

17.12.2024

Heard Mr. S.U. Ahmed, the learned counsel appearing for the petitioner. Also heard Mrs. N. Das, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 528 of the BNSS, 2023 challenging the impugned order dated 29.08.2017 and all other subsequent orders passed by the learned Judicial Magistrate First Class, Barpeta in G.R. Case No.938/2013 directing issue of Non-Bailable Warrant of Arrest as well as P&A against the present petitioner.

3. According to the petitioner, he was earlier appearing in the trial court regularly. But for some reason, he could not regularly appear before the trial court. For this reason, Non-Bailable Warrant of Arrest as well as P&A was directed to be issued against him.

4. The petitioner now submits that he intends to face the trial and therefore he should be given an opportunity to that effect.

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

6. This Court is of the opinion that since the petitioner is interested in facing the trial, he deserves to be given an opportunity to that effect. Therefore, all orders directing issue of NBWA as well as P&A against the present petitioner in G.R. Case No.938/2013 pending in the court of Judicial Magistrate First Class, Barpeta are set aside.

7. The petitioner, namely- Mustafizur Rahman is directed to appear before the trial

court within next 10(ten) days from today. On his appearance, he shall be allowed to go on bail of ₹20,000/- with a surety of like amount to the satisfaction of the said authority i.e. Judicial Magistrate First Class, Barpeta. Thereafter, the trial court shall expeditiously try to dispose of the case.

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

JUDGE

Comparing Assistant