

GAHC010272742024



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

**Case No. : Crl.Pet./1557/2024**

KESHAB GOGOI  
S/O SARU RAM GOGOI,  
RESIDENT OF VILLAGE DUBIA, PO KOLABARI, PS GAHAPUR DIST  
BISWANATH, ASSAM 784178

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY PP ASSAM

**Advocate for the Petitioner** : MR. SK S N MOHAMMAD, J S AHMED, MR A IKBAL

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**  
**HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

**ORDER**

**Date : 19.12.2024**

- 1.** Heard Mr. SK. S. N. Mohammad, learned counsel for the petitioner. Also heard Mr. D. P. Goswami, learned Additional Public prosecutor for the State of Assam.
- 2.** This is an application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, challenging the order dated 30.10.2023.
- 3.** The petitioner has been facing the trial before the Court below in a proceeding

under the Negotiable Instruments Act. Out of the total cheque amount of Rs.10,00,000/-, the petitioner has already paid Rs.6,00,000/- to the complainant, thereafter on some dates, the petitioner remain absent in the Court therefore the Trial Court directed issue of non-bailable warrant of arrest against the present petitioner.

**4.** The learned counsel for the petitioner submits that he is ready to pay the remaining amount of Rs.4,00,000/- to the complainant, but for that he needs some time.

**5.** The learned counsel for the petitioner submits that he will clear the said amount of Rs.4,00,000/- within June, 2025.

**6.** After hearing the submissions made by learned counsel for both the sides, the prayer of the petitioner is allowed.

**7.** The petitioner shall pay Rs.4,00,000/- to the complainant before June, 2025..

**8.** Therefore the order dated 30.10.2023 and 29.11.2024, whereby the non-bailable warrant of arrest was directed to be issued against the present petitioner are set aside.

**9.** The warrant of arrest if already issued, shall be recalled.

**10.** The petitioner shall continue to appear before the Trial Court on next fixed date i.e. on 28.12.2024.

**11.** The petitioner shall appear before the Court below.

**12.** He shall be allowed to remain on previous bail.

**13.** With the aforesaid direction, the Criminal petition stands disposed of.

**JUDGE**

**Comparing Assistant**