

GAHC010281612023



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

Case No. : I.A.(Crl.)/1224/2023

MD. MUNTAZ ALI AND 3 ORS
S/O LATE JAINUDDIN, R/O VILL-BECHIMARI, P.S.-DALGAON, DIST-
DARRANG, ASSAM

2: MD HAZRAT ALI
S/O NASAR UDDIN
R/O VILL-BECHIMARI
P.S.-DALGAON
DIST-DARRANG
ASSAM

3: KHUDEZA KHATUN @ MUSSTT. KALIA MA
W/O MUNTAZ ALI
R/O VILL-BECHIMARI
P.S.-DALGAON
DIST-DARRANG
ASSAM

4: MUSSTT. SALEMON BEWA
W/O SOMSER ALI
R/O VILL-BECHIMARI
P.S.-DALGAON
DIST-DARRANG
ASSA

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:NUR ISLAM
S/O MD. KHURSHED ALI
R/O VILL-BECHIMARI
P.O. AND P.S.-DALGAON

DIST-DARRANG
ASSAM
PIN-78411

Advocate for the Petitioner : MR A ALI

Advocate for the Respondent : PP, ASSAM

Linked Case : Crl.Pet./1179/2023

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ASSAM
PIN-784116

Advocate for : MR A ALI
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

B E F O R E
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

18.03.2024

Heard Mr. A. Ali, learned counsel appearing for the petitioner. Also heard Mr. K.K. Parasar, learned Addl. P.P., Assam appearing for the State respondent.

2. This is an application for extension of time to appear before the Id. SDJM(S) Darrang, Mangaldoi as per this Hon'ble Court's order dated 15.11.2023 in Crl. Pet. No. 1179/2023.

3. It appears that this Court vide order dated 15.11.2023 in Crl. Pet. 1179/2023, while disposing of the said criminal petition directed that the petitioners shall appear before the learned trial Court within 15(fifteen) days and to facilitate their appearance before the learned Trial Court, the pending non-bailable warrant of arrest issued against them shall be kept in abeyance for next 15(fifteen) days.

4. Mr. Ali, learned counsel for the applicant submits that due to family problems the petitioners could not appear within the stipulated 15 days time

period given by this Court and accordingly, seeks extension.

5. Mr. K.K. Parsar, learned Addl. P.P. for the State respondents on the other hand strongly opposes the prayer and draws the attention of this Court that since 15.11.2023, the petitioner after getting the order for appearance before the trial Court choose not to do so till date.

6. I have heard the submissions made at the Bar and I have perused the materials available on record.

7. It appears that this Court on the basis of the assurances and endorsement made by the learned counsel for the petitioner/applicant disposed of the criminal petition by allowing the petitioner/applicant to appear before the learned trial Court to facilitate their appearance before the trial Court.

8. Thus, the petitioner upon his non-appearance since 2018, N.B.W.A and P/A were issued. The petitioner having defaulted the endorsement made before this Court in the said criminal petition, is not entitled to any relief whatsoever from this Court.

9. As such, no case for extension is made out.

10. With the above observation and direction, this interlocutory application stands rejected.

JUDGE

Comparing Assistant