

GAHC010286062023



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

Case No. : Crl.Pet./1369/2023

KOBIR AHMED @ KABIR UDDIN
S/O ABDUL MANNAN,
R/O VILL- TAMUA (ALAMKANI), P.O. ALAMKANI, P.S. NILAMBAZAR,
DIST. KARIMGANJ, ASSAM
PIN-788722

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR B SINHA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 14.03.2024

Head Mr. B. Sinha, learned counsel for the petitioner and Mr. R.J. Baruah, learned Additional Public Prosecutor for the State respondent.

2. In this petition, under Section 482 Cr.P.C., the petitioner, namely, Kobir Ahmed @ Kabir Uddin, has prayed for recalling the non-bailable warrant of

arrest and proclamation order issued against him, vide orders dated 02.04.2019 and 28.08.2019, respectively, by the learned Sessions Judge, Karimganj, in Sessions Case No. 47/2018, under Sections 341/326/302/34 of the IPC.

3. Mr. Sinha, learned counsel for the petitioner submits that after investigation, charge-sheet has been submitted by the I.O. in Nilambazar P.S. Case No. 49/2015, under Sections 379/341/326/34 of the IPC, wherein the petitioner has been shown as not sent up for trial. But, later on, the learned Court below has taken cognizance against the present petitioner and issued summon to him, vide order dated 04.02.2019, and thereafter, upon non-appearance of the petitioner, the learned Court below has issued non-bailable warrant of arrest against him, vide order dated 02.04.2019, and proclamation on 28.08.2019.

4. Mr. Sinha further submits that the petitioner is ready to face trial and will appear before the learned Court below on each and every date, and therefore, Mr. Sinha has contended that the warrant of arrest issued against the petitioner, vide order dated 02.04.2019, and also proclamation issued against him, vide order dated 28.08.2019 may be recalled.

5. On the other hand, Mr. R.J. Baruah, learned Additional Public Prosecutor submits that the petitioner may be directed to appear before the learned Court below and to face trial and that he has no objection in the event of recalling the warrant of arrest and proclamation issued against the petitioner.

6. Having heard the learned Advocates of both sides, I have gone through the petition and the documents placed on record.

7. It is not in dispute that the learned Court below, vide order dated 04.02.2019, has taken cognizance against the present petitioner and issued summon to him though he was not sent up in the charge-sheet. Thereafter, vide

order dated, 02.04.2019, the learned Court below has issued non-bailable warrant of arrest against the petitioner for non-appearance and thereafter, vide order dated 28.08.2019, the learned Court below has directed to issue proclamation against the petitioner.

8. Since, the present petitioner is willing to participate in the trial and undertakes to appear before the learned Court below on each and every date, this Court is inclined to dispose of this petition by directing the petitioner to appear before the learned Court below on or before 01.04.2024, and to apply for regular bail and in the event of filing such an application, the learned Court below shall consider the same in accordance with law.

9. Till then, the non-bailable warrant of arrest and the proclamation issued against the petitioner stand recalled.

10. In terms of above, this petition stands disposed of.

JUDGE

Comparing Assistant