

GAHC010293062023



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

Case No. : Crl.Pet./1407/2023

JAHIDUL SK @ JAHIDUL ISLAM
S/O ABDUL ALI
R/O VILL- RAJAPARA PT. II
P.O. AND P.S. BAGRIBARI
DIST. KOKRAJHAR, BTC, ASSAM
PIN-783349

VERSUS

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

2: PRADEEP BHATTACHARYYA

SECRETARY MAHAMAYA MANDIR MANAGEMENT COMMITTEE

P.O. AND P.S. BAGRIBARI

DIST. KOKRAJHAR
(BTC)
ASSAM
PIN-78334

Advocate for the Petitioner : MR. M U MONDAL

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 03-01-2024

Heard Mr. M.U. Mondal, learned counsel for the petitioner Jahidul Sk @ Jahidul Islam.

The petitioner has filed this application under Section 482 of the Code of Criminal Procedure seeking quashing of the orders dated 09.06.2023, 10.07.2023, 11.08.2023, 29.09.2023 and 17.11.2023 passed in PRC Case No. 93/2023 by the Judicial Magistrate First Class, Kokrajhar. The case arises out of Bagribari Police Station Case No. 48/2021 under Section 457/380 IPC corresponding to GR No. 370/2021.

The allegation against the petitioner is that he along with his companions committed theft of golden ornaments and other articles made of gold from the Mahamaya Temple on 29.03.2021 at about 12.30 AM.

Heard Ms. S. Jahan, learned Additional Public Prosecutor for the respondent No. 1 State of Assam. The learned Additional Public Prosecutor has accepted notice on behalf of the respondent No. 1, so no formal notice is required to be issued. However, sufficient copies of the petition be furnished during the course of the day.

I have considered the submissions at the bar with circumspection.

The present petitioner was declared as an absconder and this case against him was filed and separated. The trial has proceeded against his co-accused. The present petitioner is willing to cooperate with the trial. As an NBWA is pending, the petitioner is apprehending arrest. It is submitted that the petitioner was not aware of the pendency of this case as no notice was served upon him.

This led to his failure of appearance before the trial Court.

I have taken a pragmatic view that the petitioner is willing to cooperate with the trial. Pending NBWA is kept in abeyance till 11.01.2024, within which period, the petitioner is directed to appear before the trial Court and apply for bail which may be considered by the learned trial Court as per law.

The matter stands closed accordingly.

JUDGE

Comparing Assistant