

GAHC020000612024



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

Case No. : Crl. Pet./6/2024

PRIYAKSHI GHOSH
W/O SANGEET HAZARIKA
R/O JYOTI NAGAR
NEAR MOBILE TOWER
BONGALPUKHURI NA ALI
JORHAT EAST
P.S. MADHAPUR
DIST- JORHAT
ASSAM-781318

VERSUS

NAGA COLORS
HAVING OFFICE AT WALFORD COLONY, DIMAPUR NAGALAND
REPRESENTED BY ITS MANAGER SHRI. SANJIT DAS

Advocate for the Petitioner : SANTANU BORTHAKUR

Advocate for the Respondent :

**BEFORE
HON'BLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 16-02-2024

Heard Mr. Rahul Sensua, learned counsel for the petitioner.

None appears on behalf of the respondent.

The petitioner has filed this application under section 482 of the Code of Criminal Procedure, 1973 praying for quashing and setting aside of the impugned order dated 21.11.2023, passed by the learned Chief Judicial Magistrate, Dimapur, Nagaland in CR case no. 20/2017 (Naga Colors Versus Priyakshi Ghosh) by which a non-bailable warrant of arrest was issued against the petitioner.

The case of the petitioner is that the petitioner failed to appear before the Court of learned Chief Judicial Magistrate, Dimapur, Nagaland during trial of CR case no. 20/2017 on few occasions, including on 21.11.2023, as a result, the learned Chief Judicial Magistrate, Dimapur, Nagaland has issued a non-bailable warrant of arrest against her by an order dated 21.11.2023.

It is submitted that the above CR. Case no. 20/2017 was registered against the petitioner in the year 2017, and the petitioner remained absent on few occasions, as she was undergoing treatment for the last three years and was advised to continue medication and rest. The record as produced further reveals that a last opportunity was given to the petitioner for her appearance, however, she failed to appear, as a result, the impugned non-bailable warrant of arrest was issued against her on 21.11.2023.

By filing this application under section 482 of the Code of Criminal Procedure, the only and limited prayer of the petitioner is to set aside and quash the impugned non-bailable warrant of arrest issued against her on 21.11.2023. The learned counsel for the petitioner submits that the applicant/accused is ready to appear before the learned Trial Court.

In view of the above submission, the case is disposed of at

the motion stage with the following directions:

- (i) that the petitioner(accused) shall appear before the Court of learned Chief Judicial Magistrate, Dimapur, Nagaland on 04.03.2024 and file a surrender petition.
- (ii) And in the event of such appearance and on surrender petition being submitted by the petitioner along with the bail application, for her release, and or for recalling the NBWA, the learned Chief Judicial Magistrate, Dimapur, Nagaland shall dispose of such petition, in accordance with the provisions of law taking into account that the custodial trial is not necessary in the complaint case under NIA Act.

In the meantime, till the disposal of such surrender cum bail petition to be filed by the petitioner/accused, the NBWA issued against the accused on 21.11.2023 shall not be given effect to.

With the above observations, this criminal petition stands disposed of.

Sd/-
JUDGE

Comparing Assistant