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

Case No. : Crl.Pet./932/2026

NISHANT SHARMA
S/O SRI VIJAY KUMAR SHARMA, R/O MILAN NAGAR, DIBRUGARH, PO CR BUILDING , PS DIBRUGARH, DIST DIBRUGARH, ASSAM,PIN CODE 786001

VERSUS

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

2:SRI KAILASH KUMAR BAGARIA
S/O LATE BANSHIDHAR BAGADIA
R/O NEAR SANI MANDIR
PO AND PS DIBRUGARH
DIST DIBRUGARH
ASSAM
PIN CODE 78600

Advocate for the Petitioner : MD. I HUSSAIN,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 25.06.2026

Heard the learned counsel Md. I Hussain appearing for the petitioner. Also heard Mr. D P Goswami, the learned Additional Public Prosecutor appearing for the State of Assam.

2. This is an application under Section 528 of the BNSS, 2023 in respect of Sessions Case No.349/2022 pending in the Court of the learned Additional Sessions Judge, Dibrugarh.

3. The petitioner Nishant Sharma is an accused before the Court below. On 12.06.2026 he was absent in the Trial Court. Therefore, the Trial Court directed issue of Non-Bailable Warrant of Arrest against him. The petitioner has explained the reasons for his absence in the Court below.

4. Md. Hussain has submitted that the petitioner is interested in contesting the case before the Trial Court and therefore, he should be given adequate opportunities to that effect.

5. I have considered the submissions made by the learned counsel of both sides.

6. This Court is of the opinion that the petitioner should be given some opportunities to contest the case before the Trial Court.

7. Having considered the submissions made by the learned counsel of both sides, this Court is of the opinion that since the petitioner is interested in contesting the case, he should be given some opportunities to that effect.

8. Therefore, the Criminal Petition of the petitioner is allowed.

9. The Warrant of Arrest issued against the petitioner Nishant Sharma in Sessions Case No.349/2022 shall be recalled.

10. It is hereby directed that the petitioner, namely, Nishant Sharma is directed to appear before the court of the learned Additional Sessions Judge, Dibrugarh within next 15 (fifteen) days from today in connection with Sessions Case No.349/2022.

11. On his appearance, the petitioner Nishant Sharma shall be allowed to remain on previous bail.

With the aforesaid direction, the Criminal Petition stands disposed of.

JUDGE

Comparing Assistant