GAHC010158242026

2026:GAU-AS:13630

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

Case No. : Crl.Pet./1055/2026

RAMJAN ALI
SON OF LATE SOHURUDDIN
RESIDENT OF VILLAGE NO.1 BACHASHIMALU P.S.- BIHAGURI DISTRICT SONITPUR
ASSAM PIN-784110

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP
ASSAM

Advocate for : MR. S A HUSSAIN
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

15.09.2026

Heard Mr. D. J. Haloi, learned counsel for the petitioner and Mr. P. Barthakur, learned Additional Public Prosecutor for the State respondent.

2. In this petition, under Section 528 of the Bharatiya Nagarik Suraksha

Sanhita (BNSS), 2023, the petitioner has prayed for quashing the Order, dated 25.06.2026, passed by the learned Additional Chief Judicial Magistrate, Tezpur, in PRC Case No. 875/2023, whereby, the learned Additional Chief Judicial Magistrate, Tezpur, has issued Proclamation and Attachment (P&A) against the present petitioner.

3. Mr. Haloi, learned counsel for the petitioner submits that the petitioner is an accused in Dhekiajuli P.S. Case No. 106/2022, dated 19.03.2022, wherein, the Investigating Officer, after completion of investigation, has submitted charge-sheet, being charge-sheet No. 49/2023, dated 28.02.2023, under Sections 120B/34 IPC, against the present petitioner.

3.1. Mr. Haloi further submits that the petitioner herein has not received any summon, for which, he could not appear before the learned Additional Chief Judicial Magistrate, Tezpur, and for which, the learned Additional Chief Judicial Magistrate, Tezpur, has issued an Order of Proclamation and Attachment against the present petitioner. Referring to a decision of a Co-ordinate Bench of this Court in the case of **Nazrul Islam Vs. State of Assam**, reported in **(2008) 1 GLT 979**, he submits that the procedure prescribed in the Cr.P.C., for issuing proclamation and attachment, has not been followed, herein this case.

3.2. Mr. Haloi also submits that the petitioner is ready to face the trial and will appear before the learned Trial Court on each and every date and under such circumstances, he has contended to allow this petition.

4. Per contra, Mr. Barthakur, learned APP, submits that the learned Additional Chief Judicial Magistrate, Tezpur, has followed the procedure of issuing

Proclamation and Attachment and as such, the impugned order cannot be se said to be illegal and the same requires no interference of this Court.

5. Having heard the submissions of the learned counsels for both the parties, this Court has carefully gone through the petition and the documents placed on record.

6. It appears that the petitioner has been charge-sheeted under Section 120B/34 IPC. It further appears that while issuing the Proclamation and Attachment, the proposition laid down by a Co-ordinate bench of this Court, in the case of **Nazrul Islam (Supra),** has not been followed by the learned Magistrate, and it also appears that the petitioner is ready to face the trial.

7. Accordingly, taking note of the aforesaid facts and circumstances on record, this Court is inclined to dispose of this petition, by directing the petitioner to appear before the learned Additional Chief Judicial Magistrate, Tezpur, on or before 01.10.2026, and to apply for regular bail. And in the event of filing such an application, the learned Additional Chief Judicial Magistrate, Tezpur, shall consider the same in accordance with law.

8. Till then, the Proclamation and Attachment issued against the present petitioner shall be kept in abeyance.

9. In terms of the above, this application stands disposed of.

JUDGE

Comparing Assistant