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2026:GAU-AS:10554

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

Case No. : Crl.Pet./1070/2026

TINKU ALI ALIAS BUBLU AHMED
SON OF NEKIB AHMED RESIDING OF VILLAGE CHAULKHUWA, P.S.-
DIBRUGARH, DISTRICT - DIBRUGARH, ASSAM

VERSUS

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

2:BHULAN DAS
S/O- LATE KALIPODO DAS RESIDENT OF TANTI PATHAR
P.S.- JOYPUR
DISTRICT - DIBRUGARH
ASSAM PIN CODE - 786614

Advocate for the Petitioner : MR J K Bhuyan, MS. P GHOSH,MS B GOGOI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 31.07.2026

Heard Mr. J.K. Bhuyan, learned counsel for the petitioner and Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent No. 1.

2. In this petition, under Section 528 of the BNSS, 2023, the petitioner has challenged the order dated 22.06.2026, passed by the learned Sub-Divisional Judicial Magistrate(M), Naharkatia, in PRC Case No. 43/2026.

3. It is to be noted here that vide impugned order dated 22.06.2026, the learned Sub-Divisional Judicial Magistrate(M), Naharkatia ('trial Court', for short), had issued Warrant of Arrest (W/A) against the petitioner herein for remaining absent in the Court without any steps on 22.06.2026.

4. Mr. Bhuyan, learned counsel for the petitioner submits that the ground for failing to appear before the learned trial Court on that day is mentioned in paragraph No. 6 of the petition, and that on account of his ill health, the petitioner herein could not appear before the learned trial Court. He also submits that the petitioner had reported the matter to his counsel, but in spite of the same, the learned trial Court had issued the W/A against him. He further submits that the petitioner is ready to face the trial and will appear before the learned trial Court on next date, and therefore, he has contended to recall or keep the W/A issued against the petitioner in abeyance till his appearance before the learned trial Court.

5. On the other hand, Mr. Borthakur, learned Additional Public Prosecutor for the respondent No. 1 has opposed the petition, on the ground that the petitioner remained absent without showing ground.

6. Having heard the submissions of learned counsel for both the parties, this Court has carefully gone through the petition and the documents placed on record, and also perused the impugned order dated 22.06.2026.

7. It appears that in the impugned order dated 22.06.2026, the learned trial Court had recorded that the learned defence counsel verbally submitted that

accused Tinku Ali had not cooperated at all and hence the Court may take necessary step to secure his presence, and therefore, the learned trial Court had issued the W/A against the present petitioner.

8. Though Mr. Bhuyan, learned counsel for the petitioner submits that on account of ill health, the petitioner could not remain present in the Court, yet no such medical document is enclosed with this petition.

9. Under the given facts and circumstances, this Court is of the view that the impugned order dated 22.06.2026, suffers from no irregularity or illegality, requiring any interference of this Court.

10. However, the petitioner is directed to appear before the learned trial Court with a petition to recall the W/A and to allow him to remain on previous bail or to allow him to go on fresh bail, enclosing the relevant medical documents, and on such petition being filed, the learned trial Court shall consider the same, in accordance with law. Till then, the W/A issued against the petitioner shall be kept in abeyance.

11. In terms of above, this petition stands disposed of at this motion stage itself.

JUDGE

Comparing Assistant