GAHC010167812026

2026:GAU-AS:12451

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

Case No. : Crl.Pet./1125/2026

AZADUL ISLAM ALIAS MD AZADUL ISLAM
S/O DILBAR HUSSAIN, R/O VILL SUAPATA PT V, PS BILASIPARA, DIST DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N J DUTTA, MR. B HUSSAIN,MR A ALAM,MR. A A MONDAL,MR R A AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 28.08.2026

1. Heard Mr. N.J. Dutta, learned counsel appearing for the petitioner. Also heard Ms. S.H. Borah, learned APP appearing for the respondent No.1.

2. By this application, the petitioner has prayed for setting aside and quashing the orders dated 24.03.2022, 04.05.2022 and the subsequent orders passed in

connection with Sessions Case No. 69/2016 arising out of Kokrajhar P.S. Case No. 155/2014 registered under Section 366(A) of the IPC and pending before the Court of the learned Sessions Judge, Kokrajhar, Assam.

3. The learned counsel appearing for the petitioner submits that the charge sheet in connection with the aforesaid case was submitted on 17.10.2014, pursuant to which the case was instituted before the learned Trial Court. He further submits that the petitioner had initially appeared before the learned Trial Court; however, subsequently due to certain genuine reasons, she could not continue to appear before the said Court. Consequently, by order dated 24.03.2022 an NBWA was issued against the petitioner as well as the other accused persons.

4. By order dated 11.09.2024, it was recorded that one of the accused persons had died and accordingly, the proceeding against the said accused stood abated. Insofar as the present petitioner is concerned, an NBWA was again issued and notice was also issued to the bailor.

5. However, Mr. N.J. Dutta, learned counsel appearing for the petitioner submits that in the interest of justice, the petitioner undertakes to appear before the learned Trial Court without fail.

6. Ms. S.H. Borah, learned APP appearing for respondent No. 1 however, submits that the petitioner had neither appeared before the learned Trial Court nor taken any steps in the matter on his behalf. Therefore, according to the learned APP the learned Trial Court has rightly issued the NBWA against the petitioner.

7. Upon consideration of the submissions made by the learned counsels and

having regard to the facts and circumstances of the case, it is directed that the petitioner shall appear before the learned Trial Court within a period of 7 (seven) days from the date of this order and shall thereafter appear before the said Court on each and every date fixed, without fail.

8. Till the petitioner appears before the learned Trial Court within the time stipulated, the operation of the NBWA issued against the petitioner by the various orders passed by the learned Trial Court shall be kept in abeyance.

9. It is further submitted that the next date fixed before the learned Trial Court is 08.09.2026. The petitioner shall positively appear before the learned Trial Court on the said date. However, in the event the petitioner fails to appear before the learned Trial Court within the time stipulated herein, the orders issuing the NBWA against the petitioner shall automatically stand revived.

10. Accordingly, this petition is disposed of.

JUDGE

Comparing Assistant