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

Case No. : Crl.Pet./1168/2026

SRI MANORANJAN DEBNATH
S/O- LATE SAILESH DEBNATH R/O- VILLAGE - GOTLONG, P.S. - TEZPUR, DISTRICT - SONITPUR PIN-784001

VERSUS

STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR D KALITA, MS R KOUR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 24.08.2026

Heard Mr. D. Kalita, learned counsel for the petitioner. Also heard Mr. K. Baishya, learned Additional Public Prosecutor appearing for the State of Assam.

2. By this application, filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023), the petitioner has prayed for quashing of the order dated 30.07.2026, passed by the Court of the learned Judicial

Magistrate First Class, Tezpur, whereby a Non-Bailable Warrant of Arrest (NBWA) was issued against the petitioner in P.R.C. Case No. 403 of 2024, pending before the said Court.

3. The learned counsel for the petitioner submits that the charge-sheet in the present case was submitted before the learned Court on 18.04.2024, and summons were issued to the accused persons, including the petitioner. He further submits that, on 30.06.2026, the petitioner appeared before the learned Court upon receipt of the summons, and the next date was fixed on 30.07.2026 for his appearance. However, he submits that, on 30.07.2026, due to physical ailment, the petitioner could not appear before the learned Court and, as a result, an NBWA was issued against him. He further submits that no reason has been assigned by the learned Court as to why an NBWA was issued on the very first date of his non-appearance.

4. Mr. K. Baishya, learned Additional Public Prosecutor appearing for the State of Assam, however, submits that summons were initially issued to the petitioner, pursuant to which he appeared before the learned Court. He further submits that, thereafter, the petitioner again failed to appear before the learned Court and, as such, the NBWA was issued against him.

5. On consideration of the submissions made by the learned counsel for the parties, and more particularly, upon noticing the fact that the petitioner had appeared before the learned Court after receipt of the summons and that he could not appear on one particular date, i.e. on 30.07.2026, and also considering the fact that the petitioner was stated to be suffering from physical ailments, this Court deems it fit and proper to direct the petitioner to appear before the learned Court on the next date fixed, i.e. on 31.08.2026, without fail.

6. The operation of the order dated 30.07.2026 shall accordingly remain in abeyance till the petitioner appears before the learned Court. However, in the event the petitioner fails to appear on the next date, i.e. on 31.08.2026, the learned Court of the Judicial Magistrate First Class, Tezpur, shall be at liberty to give effect to the order dated 30.07.2026.

7. This Criminal Petition is accordingly disposed of.

JUDGE

Comparing Assistant