

GAHC010000792026



2026:GAU-AS:345

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

Case No. : Crl.Pet./4/2026

MISS CHAMSIARA BEGUM ALIAS SAMIYARA BEGUM ALIAS SAMSIR
BEGUM
W/O-RAM PRASAD BARMA VILLAGE- TOPATOLI MILONPUR P.S. KHETRI,
DIST-KAMRUP (M), ASSAM. PIN. 782403

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE P.P., ASSAM

2:SMTI RINA BORO
W/O- RANGMON BORO
VILL. MILONPUR
P.S. KHETRI
DIST-KAMRUP (M)
ASSAM. PIN. 782403

Advocate for the Petitioner : MD. A HUSSAIN, MR. T ISLAM, MR. K ALOM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

08.01.2026

Heard Mr. A. Hussain, learned counsel for the petitioner and Mr. M.P. Goswami, learned

Additional Public Prosecutor, Assam for the respondent State.

2. This criminal petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita [BNSS], 2023 is preferred against an Order dated 01.03.2019 and the subsequent orders passed by the Court of learned Sub-Divisional Judicial Magistrate [S] no. 1, Kamrup [M], Guwahati [‘the Trial Court’, for short] in the course of proceedings of G.R. Case no. 3886/2016. By the Order dated 01.03.2019, the Trial Court had issued Non-Bailable Warrant of Arrest [NBWA] against the petitioner due to default on her part to appear before the Trial Court on that date to answer the charge. By the subsequent orders, the Trial Court had ordered for issuance of NBWA afresh.

3. From the materials on record, it has emerged that on 04.04.2016, one Rina Boro as the informant lodged a First Information Report [FIR] before the Officer In-Charge, Khetri Police Station against the petitioner and the husband of the petitioner, Safiqul Ali alleging inter-alia that subsequent to a fight between the petitioner’s son and the informant’s son, the petitioner and her husband assaulted the informant resulting in hurt on the person of the informant. On receipt of the FIR, a case, Khetri Police Station Case no. 48/2016 was registered under Sections 447/294/323/34 of the Indian Penal Code [IPC]. Upon completion of investigation, a charge-sheet vide Charge-Sheet no. 25 dated 20.04.2016 was laid finding a prima facie case established against the two accused persons named in the FIR for committing the offences under Sections 447/294/323/34, IPC. In the corresponding G.R. Case no. 3886/2016, the Trial Court on receipt of the Charge-Sheet, took cognizance of the afore-stated offences and issued process [summons] against the charge-sheeted accused persons for securing their appearance. The petitioner and her husband appeared before the Trial Court on 09.08.2017 and on prayers being made, both of them were allowed to go on bail by order dated 09.08.2017. Thereafter, the accused persons continued to appear before the Trial Court either in person or through representation made by their learned engaged counsel.

3. The petitioner has stated that on 09.09.2018, her husband, Safiqul Ali expired. As a result, the proceeding of G.R. Case no. 3886/2016 against Safiqul Ali stood abated and the Trial Court observed that the case would proceed only against the petitioner as the sole

accused. It is further projected that after demise of her husband, Safiquil Ali on 09.09.2018, the petitioner entered into marital relationship again and started living with her second husband at a different place. With such projection, the petitioner has stated that she lost track of the proceedings of G.R. Case no. 3886/2016 and the same ultimately resulted in issuance of warrant of arrest against her.

4. The learned counsel for the petitioner has submitted that the petitioner is ready and willing to participate in the further proceedings of G.R. Case no. 3886/2016 and has further undertaken that there would be no default on her part henceforth. The petitioner has expressed an apprehension that in view of issuance of NBWA, she might be taken into custody before she appears before the Trial Court on her own.

5. Taking note of the projections made and the undertaking given by the petitioner, this Court is of the considered view that for the purpose of expeditious conclusion of the trial of G.R. Case no. 3886/2016 which is long pending and in the interest of justice, the NBWA issued against the petitioner by the Order dated 01.03.2019 and the subsequent orders can be kept in abeyance till 30.01.2026 so as to enable the petitioner to appear before the Trial Court without the apprehension of being arrested on the basis of the NBWAs issued against her. It is further observed that in the event the petitioner appears on any date on or before 30.01.2026 before the Trial Court and files any application seeking her release on bail, the Trial Court shall consider such application on its own merits and in accordance with law. In the event the petitioner fails to appear on or before 30.01.2026 before the Trial Court, the NBWA issued against the petitioner shall stand revived.

6. With the above observations and directions, the criminal petition is disposed of.

JUDGE

Comparing Assistant