GAHC010008042026

2026:GAU-AS:14835

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

Case No. : Crl.Rev.P./70/2026

KAMRUL ISLAM LASKAR
S/O-WAHIDUL ISLAM LASKAR, LALA TOWN, WORD NO. 7 P.S.-LALA, DIST-HAILAKANDI, ASSAM, PIN-788163.

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP, ASSAM

2:GIASH UDDIN LASKAR
S/O-LT. AZIZUR RAHMAN LASKAR
LALA TOWN
WORD NO. 7
P.S.-LALA DIST-HAILAKANDI
ASSAM PIN-78816

Advocate for the Petitioner : MR. A H ALAMGIR,

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

05.10.2026

Heard Mr A H Alamgir, learned counsel for the petitioner. Also heard Mr Bankim Sarma, learned Additional Public Prosecutor for the State of Assam.

2. By this application filed under Section 528 of the BNSS, 2023, read with Sections

438/442 of the said Code and Article 227 of the Constitution of India, the petitioner has prayed for setting aside and quashing of the order dated 10.05.2022, passed by the Court of Special Judge, Hailakandi, by which NBWA was issued against the petitioner.

3. The case of the petitioner is that an FIR was lodged on 09.09.2021, stating *inter alia,* that the petitioner has committed sexual intercourse with the victim and that resultantly, the victim was 7 months' pregnant. The informant further stated that he went and confronted the petitioner, to which the petitioner misbehaved with him. The Police, on receipt of the ejahar, lodged the case as Lala PS Case No. 546/2021, under Sections 376/34 IPC, read with Section 4 of the POCSO Act. On completion of the investigation, the Investigating Officer had, thereafter, submitted charge sheet on 30.11.2021, arraying the petitioner as an accused person and charging him under Sections 376/294/506/34 of the IPC, read with Section 4 of the POCSO Act. In the said charge sheet, the petitioner was shown as an absconder. Thereafter, the case was taken up by the Special Judge, Hailakandi, and charges were framed against the petitioner.

3. The learned counsel for the petitioner submits that by order dated 10.05.2022. the Court issued NBWA against the petitioner, without however, assigning any reasons, as required under the law. He also submits that by the subsequent orders, fresh NBWA was issued against the petitioner. The learned counsel, however, submits that the petitioner will appear before the learned Court on the next date, without fail.

4. Mr B Sarma, the learned Additional Public Prosecutor for the State, submits that the petitioner was shown as an absconder in the charge sheet and as he did not appear before the Court, NBWA was issued by the same.

5. Upon consideration of the submissions made by the learned counsel, more so, in view of the fact that the learned counsel for the petitioner has stated and it is also there in the pleadings that the petitioner will appear before the concerned Court, without fail, on the next date, this Court directs the petitioner to appear within a period 10 (ten) days from the date of the order, before the Court of learned Special Judge, Hailakandi, in

connection with the aforesaid case. Till the petitioner appears within the stipulated time, the orders issuing NBWA against the petitioner, may be kept in abeyance. However, if the petitioner does not appear within the stipulated time, the orders by which NBWAs were issued against the petitioner would get revived.

6. It is also submitted by the learned counsel for the petitioner that the petitioner is a juvenile and as such, it is directed that the petitioner may file an application before the concerned Court with the said prayer, as juvenility can be claimed at any stage of the trial and the learned Court would consider the same on the documents submitted by the petitioner. The petitioner is also given the liberty to file any other application including the application for bail, which will be considered by the said Court, as per law.

7. Petition stands disposed of.

JUDGE

Comparing Assistant