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2026:GAU-AS:14973

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

**Case No. : Crl.Pet./1310/2026**

ANITA PAUL ALIAS ANITA ROY
WIFE OF - SHRI SANJIB SAHA R/O- R.K MISSION ROAD, OPPOSITE ,AVS, BIRUBARI, P.OGOPINATHNAGAR, GUWAHATI-16, DISTRICT- KAMRUPM ASSAM. ANOTHER ADDRESS- KOCHGAON, P.S- BISWANATH CHARIALI, DISTRICT-BISWANATH, ASSAM

VERSUS

STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner** : MR P DAS, MS N BARUAH,MR K J PATHAK

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**
**ORDER**

**Date : 06.10.2026**

Heard Mr. P. Das, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

2. In this petition, under Section 528 of the BNSS, 2023, the petitioner has prayed for setting aside the impugned order dated 08.10.2025 and all subsequent orders passed in PRC Case No. 306/22025, whereby the learned committal Court has issued Non-Bailable Warrant of Arrest against the petitioner.

3. The learned counsel for the petitioner submits that the petitioner herein is an accused in PRC Case No. 306/2025, wherein charge sheet has been submitted

under Sections 61(2)/108/329(3)/318(4)/351(3) of BNS, 2023 and that vide the impugned order, dated 08.10.2025, the Chief Judicial Magistrate, Biswanath Chariali has issued Non-Bailable Warrant of Arrest against the present petitioner and thereafter, the learned Trial Court has continued to issue Non-Bailable Warrant of Arrest against him.

4. The learned counsel for the petitioner submits that the petitioner has not received any notice or summons from the Court of learned Chief Judicial Magistrate, Biswanath Chariali and, therefore, he could not appear before the Court of learned Chief Judicial Magistrate, Biswanath Chariali, for which Non-Bailable Warrant of Arrest was issued against him and that the petitioner is ready to face the trial and will appear before the learned Trial Court on the next date fixed and, therefore, he has contended to allow this petition.

5. Mr. P. Borthakur, learned Additional Public Prosecutor however submits that the petitioner may be directed to appear before the learned Trial Court fixing a date and to avail appropriate remedy.

6. Taking note of the submissions of the learned counsels for both the parties, this Court is inclined to dispose of the petition by directing the petitioner to appear before the learned Chief Judicial Magistrate, Biswanath Chariali on or before 26.10.2026 and till then, the Non-Bailable Warrant of Arrest issued against the petitioner, vide impugned order dated 08.10.2025 and all subsequent orders, shall be kept in abeyance.

7. The petitioner is also granted liberty to approach the appropriate forum to avail the appropriate remedy provided under the law.

**JUDGE**

**Comparing Assistant**