GAHC010217312026

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

Case No. : Crl.Rev.P./521/2026

MONESWAR ALIAS MANSING LAMU
SON OF DAMBARU LAMU, RESIDENT OF VILLAGE SHIMALUDUNGA, P.S-DHAKUAKHANA, P.O- HAPOTIA, DIST- LAKHIMPUR, ASSAM, PIN- 787058

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR P P MEDHI, MOHAN SINGH,MS. U ROY,MAYURI GOGOI,MR G BARGAYARY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 07.10.2026

Heard Mr. PP Medhi, learned Counsel for the petitioner and Mr. DP Goswami, learned Additional Public Prosecutor for the State.

2. By this application filed under Section 442 read with Section 438 of the BNSS, 2023, the petitioner has prayed for setting aside the order dated

25.08.2026 passed in PRC Case No. 266/2026 by the Court of learned CJM, Dibrugarh. The case of the petitioner is that an FIR was lodged against him and others under Section 61(2) as well as Section 311 of the BNS, 2023 and police on completion of the investigation had submitted charge sheet on 28.02.2026, showing the petitioner as an absconder and the said charge sheet was submitted before the concerned Court and the case is at the appearance stage.

3. The learned Counsel for the petitioner submits that the petitioner took steps on 25.06.2026 although he was absent and on subsequent date too, the petitioner took steps but it is stated that the petitioner on 25.08.2026 was absent and he could not take any steps and the Court had issued NBWA against the petitioner. The learned Counsel submits that although the Court has the power to issue NBWA on the very first day itself but then reasons should be enumerated therein as per Section 87 of the CrPC, which is now Section 90 of the BNSS.

4. On the other hand, Mr. DP Goswami, learned Additional Public Prosecutor for the State submits that the petitioner was shown as an absconder in the charge sheet and there being no possibility of his appearance by issuing summons, NBWA was issued against the petitioner. However, the learned Counsel for the petitioner submits that the petitioner will appear before the Court positively on the next date without fail.

5. Upon considerations of the submissions made by the learned Counsels for the parties, more so in view of the fact that the learned Counsel for the petitioner submits that the petitioner will appear before the Court without fail on the next date, this Court directs the petitioner to appear before the Court of learned CJM, Dibrugarh on 09.10.2026 without fail and till then, the order issuing NBWA be kept in abeyance. However, if the petitioner does not appear

before the Court on the fixed date i.e. 09.10.2026 or on subsequent dates as and when the Trial Court calls, the order issuing NBWA would get revived.

6. Criminal Revision Petition No. 521/2026 is disposed of.

JUDGE

Comparing Assistant