GAHC010221462026

2026:GAU-AS:15092

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

Case No. : Crl.Pet./1409/2026

SRI KUSH SUTRADHAR
S/O- RABI SUTRADHAR, RESIDENT OF VILLAGE PASCHIM RAICHENGA, FALAKATA, P.S- FALAKATA, DIST- ALIPURDUAR, WEST BENGAL, PIN- 735211.

VERSUS

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

2:MRS PINKI SUTRADHAR
W/O- NARAYAN SUTRADHAR
R/O- ANANDA NAGAR
B/L NO. 1/3
HOUSE NO. 14
P.S- JALUKBARI
DIST.- KAMRUP M
ASSAM
PIN- 78101

Advocate for the Petitioner : MR. M KALITA, MR. N M DAS,MR. J HATIMURIA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

07.10.2026

Heard Mr. M. Kalita, learned counsel for the petitioner and also heard Mr. P.

Borthakur, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. In this petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, the petitioner has challenged the order dated 20.02.2024 and subsequent orders till 19.09.2026, passed by the learned Additional Sessions Judge No.4 (FTC), Kamrup(M), whereby non-bailable warrant of arrest and proclamation and attachment were issued against the present petitioner.

3. Mr. Kalita, learned counsel for the petitioner, submits that the petitioner is an accused in Sessions Case No.69/2022, under Section 366A of the IPC, and he was appearing before the learned Trial Court regularly. But, on 16.11.2023, the prosecution side had failed to produce any witness before the learned Trial Court and thereafter, on 20.02.2024, the petitioner could not remain present in the Court and also he was not represented by his counsel, for which non-bailable bailable warrant of arrest was issued against him and thereafter, vide subsequent orders till 19.09.2026, proclamation and attachment were also issued against him.

4. Mr. Kalita further submits that the petitioner is ready to face trial and will appear before the learned Trial Court on each and every date and therefore, he submits that an opportunity may be given to the petitioner to face the trial.

5. Per contra, Mr. Borthakur, learned Additional P.P. also submits that the petitioner may be directed to appear before the learned Trial Court and to apply for regular bail.

6. Accordingly, taking note of the submission of learned counsel for both the parties, this Court is inclined to dispose of this petition by directing the petitioner to appear before the learned Trial Court on or before 28.10.2026, and to apply for regular bail and in the event of filing such an application, the learned Trial Court shall consider the same in accordance with law. Till then, the non-bailable warrant of arrest and the proclamation and attachment issued against the petitioner vide order dated

20.02.2024 and all subsequent orders till 19.09.2026, shall be kept in abeyance.

7. In terms of above, the criminal petition stands disposed of.

Sd/- *Robin Phukan*
JUDGE

Comparing Assistant