GAHC010222192026

2026:GAU-AS:15289

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

Case No. : Crl.Pet./1430/2026

SHRI RAJDIP BHUYAN
S/O LATE LAKHI BHUYAN, RESIDENT OF 48, ANANDA NAGAR, NEAR HOTEL ARYAN ATITHYA, SIX MILE, KHANAPARA, P.S. DISPUR, DIST. KAMRUPM PIN 781037

VERSUS

THE STATE OF ASSAM AND ANR
TO BE REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

2:DR. GOPAL CHANDRA NATH
S/O SHRI BC NATH R/O ADITION RESIDENCY
FLAT NO.6
GANESH TURNING
BHAGADUTAPUR
GUWAHATI-19
DISTRICT -KAMRUP
ASSA

Advocate for the Petitioner : MR. R A CHOUDHURY,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

09.10.2026

1. Heard Mr. R.A. Choudhury, learned counsel appearing for the petitioner.

Also heard Ms. S.H. Borah, learned APP appearing for the State of Assam.

2. By this application filed under Section 528 of the BNSS, 2023, the petitioner has prayed for quashing the order dated 27.04.2026 passed by the learned SDJM-I, Kamrup (M), Guwahati whereby a non-bailable warrant of arrest was issued against the petitioner. The petitioner has also prayed for quashing the subsequent orders passed in the said case.

3. The case of the petitioner is that upon issuance of summons he appeared before the learned court through his advocate. However, he subsequently fell ill and lost communication with his advocate owing to which he could not take the necessary steps on the subsequent dates. It is submitted that due to his non-appearance a bailable warrant of arrest was issued against him vide order dated 09.11.2023 followed by subsequent orders. The petitioner further submits that owing to miscommunication with his counsel, he could not take the necessary steps and ultimately a non-bailable warrant of arrest was issued against him vide order dated 27.04.2026.

4. The learned counsel appearing for the petitioner submits that owing to valid and genuine reasons the petitioner could not appear before the learned trial court. He further submits that the petitioner shall appear before the learned trial court on the next date of hearing without fail.

5. Ms. S.H. Borah, learned APP on the other hand submits that there is no infirmity in the orders passed by the learned trial court, inasmuch as summons were initially issued to the petitioner followed by a bailable warrant of arrest and subsequently a non-bailable warrant of arrest.

6. Upon consideration of the submissions made by the learned counsel for the

parties, more particularly, the undertaking given on behalf of the petitioner that he shall appear before the learned trial court without fail, this Court directs the petitioner to appear before the learned JMFC, Kamrup (M) within 15 (fifteen) days from the date of this order. Until the expiry of the aforesaid period, the order issuing the non-bailable warrant of arrest against the petitioner shall remain in abeyance.

7. However, in the event the petitioner fails to appear before the learned trial court within the stipulated period, the order issuing the non-bailable warrant of arrest shall automatically stand revived on the 16th day from the date of this order.

8. The petition stands disposed of.

JUDGE

Comparing Assistant