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2026:GAU-AS:16416

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

Case No. : Crl.Pet./1549/2026

SRI RAKHAL MAJUMDAR
SON OF LATE ANATH MAJUMDAR, RESIDENT OF VILLAGE NO. 3 KAKI, NO. 5 GAON, SHANTIPUR, P.O. TARALANGSHU, P.S. KAKI, DISTRICT-HOJAI, ASSAM, PIN782446.

VERSUS

THE STATE OF ASSAM
, REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR. P J SAIKIA, SR. ADV, B S OZAH,MR K J SAIKIA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 10.11.2026

Heard Mr. K.J. Saikia, learned counsel for the petitioner. Also heard Mr. K.K. Das, learned Additional Public Prosecutor for the State respondent.

2. In this petition, under Section 528, BNSS, the petitioner has challenged the order dated 09.12.2024, passed by the learned Judicial Magistrate First Class,

Hojai at Sankardev Nagar, in MR Case No. 227/2020, by which the learned Court below had issued Non-Bailable Warrant of Arrest (NBWA) against the petitioner; and all subsequent order by which NBWA was issued against the petitioner.

3. Mr. Saikia, learned counsel for the petitioner submits that vide order dated 18.04.2022, the learned Judicial Magistrate First Class, Hojai had directed the petitioner herein to pay monthly maintenance @ Rs. 5,000/- per month to his wife, Rs. 4,000/- per month to her son and Rs. 4,000/- per month to her daughter, i.e. a total maintenance of Rs. 13,000/- per month, from the date of filing of the application, under Section 125 of the CrPC. Mr. Saikia also submits that the said order was passed ex-parte and the petitioner has no knowledge about the said order. And thereafter, vide order dated 09.12.2024, the learned Court below had issued NBWA against the present petitioner for failing to make payment of the maintenance amount granted, vide order dated 18.04.2022. Mr. Saikia further submits that the total accumulated amount of arrear maintenance would be around Rs. 7,00,000/- and that the petitioner is a contractual Teacher and he is not in a position to pay the aforementioned amount in one go, and that he will make payment of Rs. 1,00,000/- on next date fixed i.e. 07.12.2026, and thereafter, he will pay the rest of the amount in instalments. Mr. Saikia further submits that the petitioner is also going to challenge the order dated 18.04.2022, which was passed ex-parte.

4. Having heard the submission of Mr. Saikia, learned counsel for the petitioner, and also taking note of the facts and circumstances on the record, this Court is inclined to dispose of this petition by directing the petitioner to deposit at least a sum of Rs. 2,00,000/- before the learned Court below on or before the next fixed i.e. 07.12.2026, and also to clear the rest of the amount within a period of three months from 07.12.2026.

5. And in order to enable the petitioner to deposit the sum of Rs. 2,00,000/- before the learned Court below, till the next date fixed i.e. 07.12.2026, the NBWA issued against the petitioner shall be kept in abeyance. This interim stay would stand vacated automatically in the event of failing to deposit the amount of Rs. 2,00,000/- before the learned Court below on 07.12.2026.

6. In terms of above, this petition stands disposed of at this motion stage itself.

JUDGE

Comparing Assistant