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

Case No. : Crl.Pet./1623/2026

HARISH BRAHMA
S/O GOBARDHAN BRAHMA, R/O VILLAGE NOWAPARA, P.S. DHUPDHARA, DISTRICT GOALPARA, ASSAM

VERSUS

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

Advocate for the Petitioner : MR. A AHMED, U U KHAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 20.11.2026

Heard Mr. UU Khan, learned Counsel for the petitioner and Ms. SH Bora, learned Additional Public Prosecutor for the State.

2. By this application filed under Section 528 of the BNSS, 2023 as well as the Article 227 of the Constitution of India, the petitioner has challenged the order dated 16.03.2022 passed by the Court of Sessions Judge, Kamrup, Amingaon in Sessions Case No. 177/2015 by which NBWA was issued against the petitioner.

3. The case of the petitioner is that an FIR was lodged against him on 17.07.2009 and the case was registered as Chhaygaon PS Case No. 116/2009 under Section 120(b)/121/121(A) and 122 of the IPC read with Section 4 and 5 of Explosive Substance Act as well as Section 10 and 13 of the UA(P) Act.

4. The learned Counsel for the petitioner submits that on completion of investigation of the aforesaid case, the police submitted charge sheet and the case was taken up for trial. He further submits that during trial, summons were issued to the petitioner and that the petitioner appeared before the Court but during the Covid period, the petitioner could not appear and that by order dated 16.03.2022, NBWA is issued against the petitioner and thereafter, he submits that fresh NBWA was issued against him. He, however, submits that the petitioner will appear before the Trial Court without fail and will contest the case.

5. Ms. SH Bora, learned Additional Public Prosecutor for the State submits that there is no infirmity in the orders of the Trial Court in issuing NBWA against

the petitioner.

6. Upon consideration of the submissions made by the learned Counsel, more so in view of the fact that the petitioner had stated that he will appear before the Trial Court without fail on the next date, this Court directs the petitioner to appear before the Trial Court on 08.12.2026 without fail and till then, the orders issuing NBWA be kept in abeyance. However, if the petitioner does not appear on the said date, the orders issuing NBWA will get revived.

7. Petition is disposed of.

JUDGE

Comparing Assistant