

GAHC010087122018



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

Case No. : Crl.Pet. 392/2018

1:DHAN RAI
S/O- MON BAHADUR RAI, R/O- BARA KILLING, JOLBIR, KHANAPARA,
JOLBIR, RI BHOI KILLING CENTRE, MEGHALAYA, PIN- 793101

VERSUS

1:THE STATE OF ASSAM AND ANR.
REP. BY THE PP, ASSAM

2:PURNA BABU SINGH
S/O- LATE THABAL SINGH
R/O- VILL- NAGENDRA NAGAR
P.S- HOJAI
DIST- NAGAON
ASSA

Advocate for the Petitioner : MR. P MAHANTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE RUMI KUMARI PHUKAN

ORDER

Date : 27-04-2018

Heard the learned counsel for petitioner and learned counsel for the state Mr. T.K. Mishra.

By this application under section 482 read with section 397 and 401 of the CrPC for quashing and recalling of the order dated 19.3.2018 passed by the learned Judicial

Magistrate, 1st Class (M. Devi) kamrup (M) in GR Case No. 1585/2011 by which the Court has issued NBWA against him.

Narrating the facts referring to the documents that has been annexed and submission that has been made on behalf of petitioner that accused petitioner was released on bail prior to filing of the charge sheet and thereafter in connection with as his job he went to Chennai in the month of Jan. 2015 and since then he has been working as a Security person therein and thereafter no summons were served upon him and ultimately he came to know that court has issued NBWA against him and on the basis of report that he is not found in the given address the court has again issued NBWA against him for which he has come up with present petition with an undertaking that he is still ready to face the trial but apprehensive of arrest in view of issuance of warrant of arrest.

I have gone through the document that has been annexed and the ground assigned. It is to be noted that the case is under section 143/448/427/294/510/506 of IPC and he is not a defaulter but only because of non-service to process, NBWA has been issued against him. However, he is ready to face the trial regularly.

Having regard to all the matters on record and the submission made before this Court the present petition stands disposed of with a direction to the petitioner to appear before the Court within 15 days along with necessary bail application and the Ld. Court will decide the same in accordance with law. Till his appearance, execution of warrant of arrest as directed by order dated 19.3.2018 passed by the learned Judicial Magistrate, 1st Class (M. Devi) kamrup (M) in GR Case No. 1585/2011 is hereby stayed.

JUDGE

Comparing Assistant