

**HIGH COURT OF TRIPURA
AGARTALA**

CRL PTN 12 OF 2020

HON'BLE MR.JUSTICE ARINDAM LODH

Present:

For the petitioner (s) : Mr. B.N. Majumder, Advocate.

For the respondent(s) : Mr. S. Debnath, Addl. P.P.

Order

23.03.2020

This criminal petition has been filed under Section 482 of Cr.P.C. praying for quashing/setting aside the impugned order dated 17.12.2019 passed by the learned Chief Judicial Magistrate, Dharmanagar, North Tripura in connection with PRC (WP) 59 of 2019 (CRB Case No.2019 CRB/011), under Sections 353/332/427/506 of IPC and added Section 3(a)(b) of Tripura Medicare Service Person and Medicare Service Institutions (Prevention of violation and damage of Property) Act,2013, pending before the learned Court of Chief Judicial Magistrate, North Tripura, Dharmanagar.

Since the order dated 17.12.2019 is under challenge before this Court, I have perused the said order. It is found that on the date fixed i.e. 17.12.2019, the accused-petitioner could not appear before that court as directed vide order dated 27.09.2019. Learned defence counsel on instruction of the accused-petitioner had filed an application before the learned trial Court praying for time for his personal appearance. From the records, it is revealed that on all the earlier dates the accused-petitioner appeared before the Court of learned judicial Chief Judicial Magistrate, North Tripura, Dharmanagar. Only on 17.12.2019, he could not appear and an appropriate application was also submitted before the

learned Court. In my opinion, the issuance of non-bailable warrant of arrest against the accused-petitioner in the said circumstances, was not called for. Hence, I have interfered with the said order dated 17.12.2019. Accordingly the said order is quashed and set aside.

The accused-petitioner is directed to appear before the learned Chief Judicial Magistrate, North Tripura, Dharmanagar on the next date fixed by the said Court.

The petition accordingly stands disposed.

JUDGE

