

GAHC010017742020



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

**Case No. : Crl.Pet. 82/2020**

1:MANOJ BAISHYA  
S/O LATE ANIL BAISHYA, R/O RUBIA BATHAN, P.O.-CHAMATA, P.S.-  
BELSOR, DIST-NALBARI (ASSAM)

VERSUS

1:THE STATE OF ASSAM AND ANR.  
(NOTICE THROUGH THE PUBLIC PROSECUTOR, ASSAM)

2:SATISH BAISHYA  
(INFORMANT) R/O VILL-PAANBARI  
P.S.-PATACHARKUCHI  
DIST-BARPETA (ASSAM)  
PIN-78132

**Advocate for the Petitioner** : MR B KAKATI

**Advocate for the Respondent** : PP, ASSAM

**BEFORE**  
**HONOURABLE MR. JUSTICE AJIT BORTHAKUR**

**ORDER**

**Date : 31-01-2020**

Heard Mr. B. Katakati, learned counsel for the petitioner and Mr. R.J. Baruah, learned Addl. P.P., Assam appearing on behalf of the State/respondent No. 1.

By this petition under Section 482 Cr.P.C., the petitioner has prayed for modification of the order, dated 07.01.2020, passed by the learned Addl. Sessions Judge, Bajali of Barpeta

District in Sessions Case No. 21/2019, whereby NBWA has been issued against the petitioner.

Mr. B. Kataki, learned counsel for the petitioner submits that in response to the summons issued by the learned Addl. Sessions Judge, the petitioner appeared before the said Court and he was released on bail. However, Mr. Kataki submits that on 27.07.2019, the petitioner could not appear before the learned Court below as he was suffering from viral hepatitis which was duly informed to the learned Court by filing a petition through his learned engaged counsel and thereafter, the learned Court below has issued NBWA against him.

Mr. R.J. Baruah, learned Adll. PP, Assam appearing for State/respondent No. 1, submits that the facts and circumstances cited by the petitioner in the petition justifying his unintentional default before the learnt trial Court on the aforementioned date, can fairly be accepted and accordingly, he may be directed to appear before the learned trial Court on a specified date and till then, the execution of the NBWA issued against him may be stayed.

Having considered the above submissions made by the learned counsel for both sides and also the averments made in the petition along with the medical documents annexed thereto including copy of the impugned order, it is provided that the petitioner shall appear before the learned Court below on or before 10.02.2020. Till his appearance, the execution of the NBWA issued against him shall remain stayed.

With the above direction, the petition stands disposed of.

**JUDGE**

**Comparing Assistant**