

GAHC010058992021



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

**Case No. : Crl.Pet./231/2021**

AYJUDDIN @ AYJUDDIN SK  
S/O LATE JABBAR ALI, VILL-POKALAGI PART-III, P.S.-GOLAKGANJ, DIST-  
DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:KADAR ALI  
S/O LT SEYAN ALI  
VILL-CHIRAKUTA PART-I  
P.S.-CHAPAR  
DIST-DHUBRI  
ASSA

**Advocate for the Petitioner : MR. N UDDIN**

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

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

**ORDER**

**31.03.2021**

Heard Mr. N. Uddin, learned counsel for the petitioner. Also heard Mr. N.J. Dutta, learned Additional Public Prosecutor, Assam appearing for the State respondent No. 1.

By this petition under Section 482 read with Section 401 Cr.P.C., the petitioner has

prayed for setting aside and quashing of the impugned order, dated 28.11.2019 and its subsequent orders, passed by the learned Special Judge, Bilasipara, in Special (P) Case No. 33/2019 under Section 366A of the IPC r/w Section 4 of the POCSO Act, 2012, whereby NBWA was issued against him.

Mr. N. Uddin, learned counsel for the petitioner, submits that the petitioner was unaware of the pendency of Chapar P.S. Case No. 455/2018 against him. Mr. Uddin also submits that the learned trial Court issued nonbailable warrant of arrest against the petitioner on the very first day of trial without issuing summons to him. Mr. Uddin further submits that as the petitioner is willing to appear before the learned Court below and participate in the proceedings, the execution of the NBWA issued against him may be kept in abeyance.

Mr. N.J. Dutta, learned Additional Public Prosecutor, submits that as the petitioner is now willing to appear before the learned trial Court and participate in the proceedings, he may be directed to appear before the learned Court below on a specified date, subject to conditions.

Having considered the above submissions made by the learned counsel for both sides and consideration of the averments made in the petition along with the documents annexed thereto, it is provided that the petitioner shall now appear before the learned Court below on or before 09.04.2021 and till his appearance, the execution of the nonbailable warrant of arrest issued against him shall be kept in abeyance subject to the condition that if he fails to appear before the learned Court below within the specified period, this order shall automatically come to an end.

With the above directions, the petition stands disposed of.

**JUDGE**

**Comparing Assistant**