

GAHC010175402024



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

**Case No. : Crl.Pet./1070/2024**

NRIPEN SARMA  
S/O LATE UPEN CHANDRA SARMA  
VILL- PACHIM BORAGAON  
P.S. GARCHUK  
DIST. KAMRUP (METRO), ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PP, ASSAM

**Advocate for the Petitioner** : MR F HAQUE, MR A ISLAM, MR. S K M ALOMGIR

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

**BEFORE**  
**HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

**ORDER**

**31.08.2024**

Heard Mr. F. Haque, learned counsel for the petitioner. Also heard Mr. B. Sharma, learned Additional Public Prosecutor, Assam.

The petitioner is before this Court praying for quashing of non-bailable warrant of arrest issued by the Court of SDJM (S), Sadar Barpeta in connection

with NI Case No. 60/2022. It is submitted by the learned counsel for the petitioner that on the date fixed the petitioner remained absent and his engaged counsel did not take necessary steps as per the Trial Court's order. Accordingly, the competent Court proceeded to issue non-bailable warrant of arrest by order dated 26.07.2024. The next date of appearance is fixed on 03.09.2024.

Mr. B. Sharma, learned Additional Public Prosecutor, Assam appears for the State.

Considering the limited prayer made by the petitioner, this Court is of the view that the matter can be disposed of at this stage without issuing any notice. The petitioner will appear before the Trial Court on 03.09.2024 and file necessary application before the competent Court. If any such necessary application is filed before the Court, the same shall be considered by the Court keeping in view the law laid down by Apex Court in *Siddharth Vs. State of Uttar Pradesh and Anr.* reported in (2022) 1 SCC 676 and would not proceed to detain the petitioner unless for the reasons germane as found by the competent Court. If the petitioner as per the direction of this Court appears before the concerned Court on 03.09.2024, the NBWA issued on 26.07.2024 shall not be enforced. However, if the petitioner fails to appear before the concerned Court and/or fails to take proper steps as directed, the NBWA issued on 26.07.2024 may be enforced without further reference to this Court.

Criminal Petition accordingly stands disposed of.

**JUDGE**

**Comparing Assistant**