

GAHC010164832025



2025:GAU-AS:9846

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

Case No. : Crl.Pet./906/2025

DURLOV KHANIKAR
SON OF PRANOB KHANIKAR
R/O AMGURI GAON
P.O. AND P.S. NAHARKATIA
DIST. DIBRUGARH, ASSAM
PIN-786610

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N BORUAH, MR S ARAFAT

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 31.07.2025

Heard Mr. N. Boruah, learned counsel for the petitioner and Mr. M.P. Goswami, learned Additional Public Prosecutor for the respondent, State of Assam.

2. The instant criminal petition under Section 528, Bharatiya Nagarik Suraksha Sanhita [BNSS], 2023 is preferred seeking setting aside and quashing of an Order dated 25.11.2022 and all subsequent orders whereby the Court of learned Chief Judicial Magistrate, Charaideu at Sonari [‘the Trial Court’, for short] had issued Non-Bailable Warrants of Arrest [NBWA] against the petitioner to secure his appearance before the said Court in the proceedings of

PRC Case no. 19/2021.

3. The genesis of PRC Case no. 19/2021 was a First Information Report [FIR] lodged by the informant, Rinku Bora on 07.11.2020 against the petitioner alleging cheating and criminal intimidation. The said FIR was registered as Kakatibari Police Station Case no. 40/2020 under Section 420 and Section 406, Indian Penal Code [IPC]. The consequent investigation resulted into a charge-sheet. Upon submission of the charge-sheet, PRC Case no. 19/2021 was registered. The petitioner was taken into custody.

4. On 27.01.2021, the date fixed for consideration of charge, the accused was allowed to go on bail of Rs. 20,000/- pursuant to an Order dated 11.01.2021. Thereafter, the accused, either by appearing in person or by taking steps, was participating in the proceedings of PRC Case no. 19/2021.

5. However, on 25.11.2022, the petitioner was absent without taking any steps in the proceedings of PRC Case no. 19/2021. In view of the petitioner's such absence without steps, the learned Trial Court had ordered for issuance of Non-Bailable Warrants of Arrest [NBWA] to secure the appearance of the petitioner in the proceedings of PRC Case no. 19/2021. In view of non-appearance of the petitioner before the learned Trial Court, the subsequent orders were passed issuing Non-Bailable Warrants of Arrest [NBWA] against the petitioner. On the last date of posting of the case, that is, on 04.07.2025, the learned Trial Court again ordered for issuance of fresh NBWA against the petitioner.

6. It is in the above backdrop, the petitioner has preferred the instant criminal petition.

7. One of the grounds urged regarding non-appearance of the petitioner during the afore-stated period is that the petitioner is a person suffering from psychiatric problems. In support of such contention, the petitioner has annexed documents annexed from Page no. 65 to Page no. 76.

8. The FIR was registered as far back as on 22.11.2020. It cannot be denied that an expeditious and fair trial is in the interests of all the stake holders including the prosecution, complainant/ informant/victim, the witnesses as well as the accused.

9. Mr. Boruah, learned counsel for the petitioner has submitted that the petitioner is ready and willing to participate in the subsequent stages of the trial and for that purpose, he would appear himself to the jurisdiction of the learned Trial Court within a period of 2 [two] weeks from today. It is with the apprehension that the Non-Bailable Warrants of Arrest [NBWA] issued against the petitioner on the previous dates would be executed at any time and he is likely to be taken into custody before he submits to the jurisdiction of the learned Trial Court, the petitioner has approached this Court seeking relief.

10. Keeping in mind the consideration and interests of all stakeholders for an expeditious conclusion of trial of PRC Case no. 19/2021 and accepting the undertaking given on behalf of the petitioner that he will be appearing in the proceedings of PRC Case no. 19/2021 henceforth, without any default, this Court is of the considered view that in the interests of justice, the Non-Bailable Warrants of Arrest [NBWA] issued against the petitioner by the Order dated 25.11.2022 and all subsequent orders can be kept in abeyance for a period of 2 [two] weeks from today so that the petitioner can appear and submit to the jurisdictional learned Trial Court to participate in the further proceedings of the PRC Case no. 19/2021. Accordingly, it is ordered that the petitioner shall appear before the learned Trial Court within a period of 2 [two] weeks' from today and during the said period, the Non-Bailable Warrants of Arrest [NBWA] issued vide Order dated 25.11.2022 and all subsequent orders shall be kept in abeyance. It is further observed that if the petitioner upon his appearance submits an application for bail, the learned Trial Court shall consider the same on its own merits and in accordance with law.

11. With the above observation and direction, the criminal petition is disposed of. No cost.

JUDGE

Comparing Assistant