

GAHC010003582026



2026:GAU-AS:592

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

Case No. : Crl.Pet./38/2026

ROFIQUL ISLAM
S/O ABDUL RAHMAN
R/O VILL- NICHUKA
P.O. AND P.S. BARPETA ROAD, ASSAM, PIN-781315.
VERSUS
THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : J S AHMED,
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 20.01.2026

- 1.** Heard Mr. S. M. Abdullah P, learned counsel for the petitioner. Also heard Ms. S. H. Bora, learned Additional Public Prosecutor for the State of Assam.
- 2.** The petitioner was convicted by the learned Judicial Magistrate, First Class, Barpeta in N.I. Case No.43/2023. He did not file any Appeal against the said Judgment therefore, the Trial Court issued NBWA against him.
- 3.** The learned counsel for the petitioner submits that he wants to file an Appeal along with a prayer for condonation of delay.

4. According to the petitioner, if he is arrested, he would not be able to file the Appeal therefore, he prayed for stay of execution of the warrant of arrest against him issued by the Trial Court so that he can file the Appeal.
5. After hearing learned counsel for both the sides, the prayer of the petitioner is allowed.
6. The petitioner is directed to file the Appeal before 24.02.2026 along with the petition for condonation of delay.
7. After filing of the Appeal, the petitioner shall inform the Trial Court on 26.02.2026 along with the order passed by the Appellate Court, if this is not done, the Trial Court shall have the liberty to issue warrant of arrest against the present petitioner again.
8. For the time being, the warrant of arrest issued by the Trial Court shall remain stayed.
9. With the aforesaid direction, this Criminal Petition stands disposed of.

JUDGE

Comparing Assistant