

GAHC010003622026



2026:GAU-AS:293

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

Case No. : Crl.Pet./18/2026

SUBODH SAMADDAR
S/O LATE SUNIL SAMADDAR
RESIDENT OF VILL- SOULABAIHATA CHARIALI, P.S. RANGIA
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP, ASSAM

2:PARINITA DEKA
D/O SRI PRANESWAR DEKA
RESIDENT OF VILL- DAGAON
P.O. AND P.S. RANGIA
DIST. KAMRUP
ASSAM
PIN-78138

Advocate for the Petitioner : MR. A CHAUDHURY, MR. D BORA,MR. N MAHAJAN,MR. P K DAS

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 08.01.2026

- 1.** Heard Mr. B. K. Mahajan, learned counsel for the petitioner. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State of Assam.
- 2.** This is an application filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 challenging the order dated 28.11.2025, passed by the learned Special Judge, Kamrup, Rangia in Special POCSO Case No.44/2023.
- 3.** The petitioner and his wife are facing trial before the Trial Court. The petitioner has been suffering from skin ailments. According to the medical documents, doctors advised him to avoid direct sun light and dust. Citing the said ground, he was absent on 28.11.2025, though his wife was present on that day.
- 4.** The Trial Court held that the petitioner has been taking adjournment on same ground and has been delaying the trial of the case, therefore his prayer was rejected and non-bailable warrant of arrest was issued against the petitioner.
- 5.** After considering the submissions made by learned counsel for both sides and I have also gone through the medical documents.
- 6.** There is an old English proverb which states that "justice hurried is justice buried". While expeditious disposal of cases is undoubtedly desirable, the Trial Court appears to have acted with undue haste. Speed in adjudication must not come at the cost of reasonableness and fairness.
- 7.** This Court is of the opinion that the present petitioner does not deserve to

be detained in custody for his failure to appear before the Trial Court.

8. Therefore, the order dated 28.11.2025 directing issue of non-bailable warrant of arrest against the present petitioner is set aside.

9. The petitioner is directed to remain on previous bail.

10. With the aforesaid direction, the present Criminal Petition stands disposed of.

JUDGE

Comparing Assistant