

GAHC010007352026



2026:GAU-AS:646

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

Case No. : Crl.Pet./50/2026

SAINUL ISLAM
S/O FOKHRUL ISLAM,
RESIDENT OF VILLAGE NARAYANPUR, PS PATHARKANDI, DIST
SRIBHUMI, ASSAM
VERSUS
THE STATE OF ASSAM
REP BY PP ASSAM

Advocate for the Petitioner : MR. M AHMED, MD I H LASKAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 21.01.2026

- 1.** Heard Mr. M. Ahmed, learned counsel for the petitioner. Also heard Ms. S. H. Bora, 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 05.06.2022, passed by the learned Chief Judicial Magistrate, Sribhumi in PRC Case No.208/2022 arising out of GR Case No.1371/2021.

3. 4 (four) persons including the present petitioner were Charge- sheeted. Out of them, 2 (two) of them, namely, Kamrul Islam and Fokhrul Islam have already appeared. The petitioner did not appear in spite of receiving notice. Therefore, NBWA was directed to be issued against him.

4. Learned counsel for the petitioner submits that the petitioner is interested in facing the trial and therefore he should be given adequate opportunity to that effect.

5. I have considered the submissions made the by learned counsel for both sides.

6. This Court is of the opinion that since the petitioner is interested in facing the trial, he deserves to be given an adequate opportunity to that effect. Therefore the prayer of the petitioner is allowed.

7. The petitioner, Sainul Islam is directed to appear before the Trial Court of the learned Chief Judicial Magistrate, Sribhumi within next 10 (ten) days from today and on his appearance, he shall be released on bail of Rs.25,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Sribhumi

8. With the aforesaid direction, the Criminal Petition stands disposed of.

JUDGE

Comparing Assistant