

GAHC010025132026



2026:GAU-AS:2674

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

Case No. : I.A.(CrI.)/133/2026

DIN MOHAMMAD ALI
S/O LATE KAJIMUDDIN SK., R/O MOSKAGURI, PS-CHAPAR, DIST. DHUBRI ,
ASSAM, PIN-78331

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

2:SRI SEBARAM ROY
S/O LATE SUKUNA ROY
R/O-NAMALPUR
P.S. SIDILY
DIST. CHIRANG
ASSAM
PIN-78337

Advocate for the Petitioner : MR. B CHOWDHURY, MR.N AHMED,P SULTANA
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

23.02.2026

1. Heard Mr. B. Chowdhury, learned counsel for the applicant and Mr. B. Sharma, learned Additional Public Prosecutor.

2. By this interlocutory application, the petitioner has prayed for suspending the operation of the impugned order dated 24/12/2025 passed by the learned Chief Judicial Magistrate, issuing NBWA against the petitioner.

3. Mr. Chowdhury, learned counsel for the petitioner, submits that along with the Criminal Revision Petition, being Criminal Revision Petition No. 257 of 2017, the petitioner had filed one I.A. being I.A.(Crl.) No. 528 of 2017 and this Hon'ble court, by order dated 31/7/2017, has passed an order to the said effect which is reproduced below:

“Considering the submission of the learned counsel for both the parties as well as matters on record and nature of accusation the accused person is allowed to remain on previous bail till disposal of the revision petition.”

4. The above order shows that the petitioner is allowed to remain on previous bail till disposal of the Revision Petition.

5. The petitioner was convicted by the trial court on 13/03/2013 as stated above and was sentenced thereby against which the petitioner had filed an appeal before the learned Court of Session, Judge Chirang, Kajalgaon and the appellate court, vide judgment and order dated 30.05.2017 had upheld the order of the learned trial court and the appellant was directed to surrender before the learned court of CJM to serve out the sentence on or before 29/6/2017. However, the petitioner obtained the order dated 31/07/2017 allowing him to remain on previous bail till disposal of the Revision Petition and the I.A. (Crl) was disposed of.

6. The order dated 31.07.2017 has been communicated to the trial court on 06.06.2018 and the trial court vide order dated 06.06.2018 had

ordered that since the petitioner was granted previous bail, the NBWA issued by the trial court before the said date was recalled immediately. However, subsequent thereto, the learned court of CJM, Chirang, Kagalgaon had taken up the case and after passing various orders, purportedly, in view of the order of the appellate court, issued non-bailable warrant of arrest vide order dated 10/12/2025. The said order has been passed erroneously more so, having once recalled the NBWA during the pendency of this Criminal Revision Petition.

7. As such, the order issued by learned Court of CJM, Chirang, Kajalgaon dated 24/12/2025 is set aside and quashed.

8. In view of the order dated 31/7/2017, the petitioner to remain on previous bail till disposal of the Revision Petition.

9. Accordingly, this interlocutory application stands disposed of.

JUDGE

Comparing Assistant