

GAHC010028472026



2026:GAU-AS:2395

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

Case No. : Crl.Rev.P./63/2026

SMTI NAMRATA VERMA
W/O-RITESH PANDIYA, R/O-RASHARAJ PATH,
DAKHINGAON, KAHILIPARA,
GUWAHATI, P.O.-KAHILIPARA,
P.S.-DISPUR, DISTRICT- KAMRUP (M),
ASSAM, PIN-781019.

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

2:SRI HARJOT SINGH
S/O-LATE HARMINDER SINGH
R/O-WARD NO. 12
CHAPAGURI ROAD
P.O. P.S.-BONGAIGAON
DISTRICT-BONGAIGAON
ASSAM PIN-783380

Advocate for the Petitioner : MR. P MAZUMDER,
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER

Date : 18.02.2026

Heard Mr. P. Mazumdar, learned counsel for the petitioner and Mr. P. S. Lahkar, learned Addl. Public Prosecutor, appearing for the State respondent No. 1.

2. This petition has been filed under Sections 442/438 BNSS against the impugned order dated 20.01.2026 passed by the learned JMFC, Bongaigaon, in NICR Case No. 153/2024, wherein BWA was issued against the present petitioner and defence plea/defence evidence of the petitioner was dispensed with/closed.

3. It is submitted by Mr. Mazumdar, learned counsel for the petitioner that on the earlier occasion, i.e. on 04.12.2025, the accused petitioner was very much present and considering his presence, the next date was fixed on 20.01.2026 for defence plea with a further direction to appear personally before the learned Court below. In pursuance of the said order, the petitioner was present physically before the Court on 20.01.2026, filed Hazira and also filed a petition seeking further time for filing their defence plea and to allow her to cross-examine PW1. But in spite of filing of the petition and the Hazira, which was not entertained by the Court and despite her presence, the order was passed with a direction for issuance of BWA of Rs.8,000/- and closing the defence plea, the case was fixed for appearance and cross-examination of PW1. He further submitted that the petitioner was very much present on the day in pursuance of the order dated 04.12.2025 and filed petition, but her petition and her presence were not considered by the learned Court below. However, the petitioner is willing to submit her defence plea and also willing to cross-examine the PW. If she is not allowed to submit her defence plea as well as to cross-examine the PW, she will be in a very inconvenient position rather, it will cause prejudice to her.

4. I have heard the learned counsels for the parties and perused the case records and the orders/Annexures filed along with the petition.

5. It is a fact that on the prior occasion, i.e., on 04.12.2025, initially an order was passed for issuance of BWA of Rs.8,000/- and the case was fixed on 20.01.2026 for appearance as well as defence plea. But subsequently, the petitioner appeared and that her petition was accepted and the case was accordingly fixed for the defence plea. But from the records, it is seen that on the next date, i.e., 20.01.2026 also, the petitioner also seems to be present in the Court with a Hazira and a petition was filed seeking time for defence plea as well as for cross-examination of PW. Those petitions and the Hazira may not be placed before the Court or inadvertently the order may be passed without accepting the presence of the presence Accused petitioner. But, from the records, it is seen that she was present by filing her Hazira as well as the petition, which was also notarized on 20.01.2026.

6. Considering all the aspects of this case, the order dated 20.01.2026 is hereby set aside and quashed with a direction to the learned Trial Court to give an opportunity to the present petitioner to file her defence plea and also to cross-examine the PW. Accordingly, the petitioner shall appear before the learned Trial Court on the next date of listing, i.e., on 24.04.2026. Further, the petitioner is hereby directed to submit her defence plea without fail and to cross-examine the PW1.

7. This petition is accordingly disposed of.

JUDGE

Comparing Assistant