

GAHC010033012026



2026:GAU-AS:2695

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

Case No. : Crl.Pet./240/2026

MD ASRAFUL ISLAM @ ARAFUL ISLAM
S/O-NUR MAHAMMAD VILLAGE-BECHIMARI, P.S. DALGAON, DIST-
DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE P.P., ASSAM

2:SUSHEEL DHANOWAR
S/O-SRI. ALBHISH DHANOWAR VILLAGE- GOHPUR TEA ESTATE P.S.
GOHPUR
DIST. SONITPUR
ASSA

Advocate for the Petitioner : MD. A HUSSAIN, MR. K ALOM,MR. T ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE MITALI THAKURIA

ORDER

23-02-2026

Heard Mr. A. Hussain, learned counsel for the petitioner and Mr. P. Borthakur, learned Additional Public Prosecutor, for the State respondent.

2. This is an application filed under Section 528 BNSS read with Article 227 of the Constitution of India against the impugned order dated 15.11.2025 and order dated 17.01.2026, passed in Sessions (T-II) Case No. 35/2024 by the learned Sessions Judge, Udalguri whereby Warrant of Arrest has been issued against the present petitioner.

3. It is submitted by Mr. Hussain, learned counsel that the petitioner was regularly appearing before the learned Trial Court and due to illness on 30.10.2025 he could not appear and on his behalf the steps was also taken by his engaged counsel and accordingly, the case was fixed on 15.11.2025 for recording of the statement of the accused petitioner.

4. But on 15.11.2025 also due to his illness he could not appear and no step was also taken on behalf of the accused by the engaged counsel and Warrant of Arrest was issued against him. But he was regularly appearing before the learned Sessions Judge and only due to his illness he could not appear on two dates, wherein on 15.11.2025 he remain unrepresented by his engaged counsel.

5. However, the petitioner is ready and willing to appear before the learned Trial Court and to contest the case accordingly, wherein the case is at the last stage of proceeding. Some medical documents are also annexed along with this

petition.

6. Mr. Borthakur, learned APP submitted in this regard that the petitioner remained absent on 30.10.2025 and 15.11.2025, wherein the NBWA was issued against him and that apart also in two other occasions, he remained absent, for which the NBWA had to be issued. The charge of this case was framed on 20.06.2025 and the case was also proceeding smoothly, but due to absence of the present petitioner, it could not be proceeded further. However, he submitted that the accused petitioner may be directed to appear before the learned Trial Court with an appropriate application for bail.

7. Considering the submissions made by the learned counsel for both sides, I have also perused the case records and considering the previous conduct of the petitioner, I find that one opportunity may be given to the petitioner to appear before the learned Sessions Judge and to contest the case accordingly. More so, it is seen that the case is at the last stage of proceeding and due to absence of the present petitioner, the case got delayed.

8. In view of above, the order dated 15.11.2025 and order dated 17.01.2026, passed by the learned Sessions Judge, Udalguri whereby Warrant of Arrest has been issued against the petitioner and all other consequential order issued in Sessions (T-II) Case No. 35/2024 be stayed/suspended directing the present petitioner to appear before the learned Sessions Judge, Udalguri with an appropriate application for bail, which may be considered in accordance with law.

9. It is further submitted by Mr. Hussain, learned counsel that 24.02.2026 is the next date of listing and accordingly, the petitioner is directed appear before the learned Trial Court on or before the next date.

10. With the above observation and direction, this criminal petition stands disposed of.

JUDGE

Comparing Assistant