

GAHC010036062026



2026:GAU-AS:2978

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

**Case No. : Crl.Pet./265/2026**

RANA SAHA  
SON OF SHRI JIBAN SAHA  
RESIDENT OF VILL- TANGLA JALUKBARI,P.O. TANGLA, WARD NO. 1, P.S.  
TANGLA, DIST. UDALGURI, BTR, ASSAM, PIN-784521.

VERSUS

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

2:DEBASHIS BHOBORA  
S/O P.K. BHOBORA  
RESIDENT OF VILL- DUWAMOKHA P.O. BORIGAON  
P.S. HARISINGA  
DIST. UDALGURI  
BTR  
ASSAM  
PIN- 78451

**Advocate for the Petitioner** : MR. T DEURI, MS. L WANGSA,U BHARADWAJ,MRS. R S DEURI

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**  
**HON'BLE MRS. JUSTICE MITALI THAKURIA**

O R D E R

Date : 26.02.2026.

Heard Mr. T. Deuri, learned counsel for the petitioner. Also heard Mr. P.S. Lahkar, learned Addl. P.P., Assam appearing for the State respondent No.1.

This is an application under Section 528 of the BNSS, 2023 praying for setting aside and quashing the impugned order dated 11.02.2026, passed by the learned Sessions Judge, Udalguri in Criminal Appeal No.13/2025, whereby the learned Appellate Court was pleased to issue NBWA against the present accused petitioner.

During the course of deliberation, it is submitted by Mr. Deuri, the learned counsel for the petitioner that initially the petitioner was convicted by the learned CJM, Udalguri to undergo simple imprisonment for one year along with compensation of Rs.10 lacs in connection with N.I. Act Case No.4/2024 and aggrieved by the said judgment and order, the petitioner preferred an appeal before the learned Sessions Judge, Udalguri which was numbered as Criminal Appeal No.13/2025 and the learned Appellate Court directed the petitioner to deposit 10% of the compensation amount, which comes to Rs. 1 lac within a stipulated period of time. But it is a fact that the present petitioner could not deposit the compensation as directed within time, for which vide order 10.02.2026, the learned Appellate Court had revoked the order of stay granted to the petitioner vide order dated 14.05.2025, as he could not comply with the order and the petitioner was directed to appear before the learned Trial Court below to serve with the sentence and to take him into custody.

After the said order, the petitioner could not physically present before the learned Appellate Court and on his behalf, a petition was filed by his engaged counsel praying to deposit Rs.1 lac towards the 10% of the compensation

amount. The learned Appellate Court had rejected the prayer of the petitioner and issued the NBWA against the appellant for non-compliance of the order dated 10.02.2026.

At present, the petitioner is ready to pay Rs.1 lac towards the 10% of the compensation amount under Section 148 of the N.I. Act and further prayed for stay/suspension of the NBWA, issued against him, allowing the petitioner to contest the appeal on merit by appearing in the Court of learned Sessions Judge, Udalguri.

Mr. Lahkar, the learned Addl. P.P. Assam submitted in this regard that as the petitioner is presently ready to deposit the amount, he may be given one more chance to contest the appeal by appearing before the learned Appellate Court.

Hearing the submissions made by the learned counsel for the parties and considering all aspects of the case and the fact that the petitioner is presently ready to pay Rs.1 lac towards the 10% of the compensation amount, this Court is of the opinion that the petitioner may be given one chance to contest the appeal by appearing before the learned Appellate Court with further direction to deposit Rs.1 lac towards the 10% of the compensation amount, the NBWA issued against the present petitioner may be stayed/suspended at this stage.

In view of above, the petitioner is directed to appear before the learned Appellate Court on or before the next date of listing and to deposit Rs.1 lac towards the 10% of the compensation amount, as per provision of Section 148 of the N.I. Act and the NBWA, issued against the petitioner may be stayed/suspended at this stage.

With the above observation and direction, the present criminal petition stands allowed and disposed of.

JUDGE

**Comparing Assistant**