

GAHC010052182026



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

**Case No. : Crl.Pet./394/2026**

NILOTPAL CHOUDHURY  
SON OF LATE SUNANDA KR.  
CHOUDHURY,  
RESIDENT OF HARLI BAGAN  
C/O MS. MANJU LAPANG  
NEAR BEETHANI PHE, BARNIHAT, MEGHALAYA.

VERSUS

THE STATE OF ASSAM AND ANR  
REP BY THE PP, ASSAM

**Advocate for the Petitioner** : MR. N NATH,

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

**BEFORE**  
**HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

**ORDER**

**Date : 18.03.2026**

Heard Mr. N Nath, the learned counsel appearing for the petitioner. Also heard Mr. Bhaskar Sarma, the learned Additional Public Prosecutor appearing for the State of Assam.

2. This is an application under Section 528 of the BNSS, 2023 challenging the order dated 29.09.2016 passed by the learned Judicial Magistrate 1<sup>st</sup> Class,

Guwahati in Complaint Case No.CR/473/2015.

3. The petitioner Nilotpall Choudhury has defaulted in appearance before the Trial Court. Therefore, the Court below issued Non-Bailable Warrant of Arrest as well as P/A and after that, the petitioner was proclaimed as an absconder.

4. Mr. Nath submits that the petitioner wants to contest the case and therefore, he should be given adequate opportunities to that effect.

5. I have considered the submissions made by Mr. Rahman.

6. Since the petitioner is interested in facing the trial, therefore he deserves to be given adequate opportunities to that effect.

7. Therefore, all orders directing issue of Non-Bailable Warrant of Arrest as well as P/A are set aside.

8. The order dated 29.09.2016 passed by the learned Judicial Magistrate 1<sup>st</sup> Class, Guwahati in Complaint Case No.CR/473/2015 is also set aside.

9. The petitioner Nilotpall Choudhury is directed to appear before the Trial Court in respect of Complaint Case No.CR/473/2015 within next 30 days. On his appearance, he shall be released on bail of Rs.25,000/- (Rupees Twenty Five Thousand) with a surety of like amount to the satisfaction of the learned Judicial Magistrate 1<sup>st</sup> Class, Guwahati.

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

**JUDGE**

**Comparing Assistant**