

GAHC010063982026



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

Case No. : Crl.Rev.P./161/2026

SRI ANUP JYOTI GOGOI
S/O MAKHAN CHANDRA GOGOI
RESIDENT OF KHALIHAMARI BORPUKHURI ROAD, DIBRUGARH TOWN,
DIST - DIBRUGARH, PIN - 786001

VERSUS

SRI LALAN DUBEY
S/O JAGADISH DUBEY
R/ O - NAHOLIA, P.S - DULIAJAN, DIST - DIBRUGARH, PIN - 786191, ASSAM

Advocate for the Petitioner : MR. S R GOGOI,

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

31.03.2026

Heard Mr. D. Gogoi, learned counsel appearing for the petitioner. Also heard Mr. D P Goswami, learned Additional Public Prosecutor, Assam.

This is an application filed under Sections 438 and 442 read with Section 528 of the BNSS, 2023 the petitioner Sri Anup Jyoti Gogoi has challenged the orders dated 26.12.2025, 05.02.2026 and 05.03.2026 passed in NI Case No. 135/2014 by the learned Judicial Magistrate 1st Class, Dibrugarh

issuing NBWA against the petitioner.

The petitioner, who is an accused before the learned court below, has remained absent on some dates. Therefore, the learned Trial Court directed to issued NBWA against the petitioner.

The petitioner has submitted that he suffered brain strokes and for that he could not appear before the Trial Court on those dates. Medical documents are also filed along with the present petition to support the ground of the petitioner.

I have considered the submissions made by the learned counsel for both the sides.

The petitioner has now submitted that he is willing to appear before the Trial Court and face the trial.

Having heard the learned counsel for both sides, this Court is of the opinion that since the petitioner is interested to face the trial and has shown sufficient reasons for his absence, adequate opportunity should be given to him to contest the case.

Therefore, the orders dated 26.12.2025, 05.02.2026 and 05.03.2026 passed in NI Case No. 135/2014 by the learned Judicial Magistrate 1st Class, Dibrugarh issuing NBWA against the petitioner are set aside and quashed.

The petitioner is directed to appear before the learned Trial Court in connection with NI Case No. 135/2014 on 22.04.2026. On his appearance, the petitioner shall be allowed to go on fresh bail of Rs.25,000/- with one surety of like amount to the satisfaction of the learned Judicial Magistrate 1st Class, Dibrugarh.

The criminal revision petition is disposed of.

JUDGE

Comparing Assistant