

GAHC010064292026



2026:GAU-AS:4605

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

Case No. : Crl.Pet./467/2026

HARI MANDIA
S/O- CHANDRA MANDIA, R/O- HATIGARH TEA ESTATE, P.S.- HARISINGA,
P.O.- HATIGARH, DISTRICT- UDALGURI, PIN-784524

VERSUS

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

2:PRATHIMA PARIGA
D/O- GANESH PARIGA
R/O- HATIGARH TEA ESTATE
P.S.- HARISINGA
P.O.- HATIGARH
DISTRICT- UDALGURI
PIN- 78452

Advocate for the Petitioner : MR. S CHAUHAN, B CHOWHAN, M. BORUAH, MR. B B CHAUHAN, MR. P MAZUMDER

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 31.03.2026

- 1.** Heard Mr. S. Chauhan, learned counsel for the petitioner. Also heard Mr. Bhaskar Sharma, learned Additional Public Prosecutor for the State of Assam.
- 2.** This is an application filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, challenging the orders passed by the learned District and Sessions Judge, Udalguri in Sessions (T-II) Case No.50/2024.
- 3.** The petitioner is an accused before the Trial Court. On 13.05.2025, 18.06.2025, 19.07.2025 and 22.08.2025 he prayed for adjournment on account of his illness.
- 4.** On 08.01.2026, the same prayer was made but without any medical documents. Therefore, learned Trial Court refused the prayer for adjournment directed issue of NBWA against the present petitioner.
- 5.** The petitioner submits that he is interested in facing the trial.
- 6.** Learned counsel for the petitioner has explained the reasons for absence of the present petitioner.
- 7.** I have considered the submissions made by the learned counsel for both sides.
- 8.** Considering the submissions made by learned counsel for both sides, the prayer of the petitioner Hari Mandia is allowed.

9. All orders directing issue of NBWA against the present petitioner are set aside.

10. The petitioner, Hari Mandia is directed to appear before the Court of the learned District & Sessions Judge, Udalguri in respect of Sessions (T-II) Case No.50/2024 within a period of 10 (ten) days from today and on his appearance, the petitioner shall be released on fresh bail of Rs.25,000/- with a surety of like amount to the satisfaction of the learned District & Sessions Judge, Udalguri.

11. The petitioner is directed appear regularly in the Court below. If he fails to do so, without showing sufficient reasons, the Trial Court shall have the liberty to procure his attendance by due process of law.

12. With the aforesaid direction, this Criminal Petition stands disposed of.

JUDGE

Comparing Assistant