

GAHC010074482026



2026:GAU-AS:5562

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

Case No. : Crl.Pet./562/2026

ALI HUSSAIN
S/O KASEM ALI
VILL- JORSIMULU
P.S. CHHAYGAON
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR F HAQUE, M ISLAM,MR A ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 23.04.2026

- 1.** Heard Mr. F. Hoque, learned counsel for the petitioner. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the State of Assam.
- 2.** This is an application under Section 528 of the Bharatiya Nagarik Suraksha

Sanhita, 2023, in respect of the order dated 18.09.2023 and subsequent orders passed by the learned Judicial Magistrate First Class, Kamrup (Metro) at Guwahati in PRC No.2224/2022.

3. For absence of the petitioner before the Trial Court NBWA was directed to be issued against him. He has submitted that because of miscommunication between his lawyer and because of the fact that he is a daily wage earner the entire situation took place.

4. The petitioner submits that he is interested in facing the trial and prayed for an adequate opportunity to that effect.

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

6. This Court is of the opinion that since the petitioner is interested in facing the trial he deserves to be given an adequate opportunity to that effect. Therefore, the prayer of the petitioner is allowed.

7. All orders directing issue of NBWA against the present petitioner Ali Hussain are set aside.

8. It is hereby directed that the petitioner, Ali Hussain is directed to appear before the Trial Court of the learned Judicial Magistrate First Class, Kamrup (Metro) at Guwahati in PRC No.2224/2022 within a period of 7 (seven) days from today and on his appearance, he shall be released on fresh bail of Rs.25,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro) at Guwahati.

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

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

JUDGE

Comparing Assistant