

GAHC010104492026



2026:GAU-AS:7576

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

Case No. : Crl.Pet./764/2026

SRI RUPJYOTI BORAH
S/O- SRI HAREN BORAH,
R/O- ROYAL HUT, FLAT NO. B-5, RADHANAGAR PATH, VIP ROAD,
CHACHAL, P.S- DISPUR GUWAHATI-22, IN THE DISTRICT OF KAMRUP (M),
ASSAM.

VERSUS

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

2:MR LOKNATH DEKA
S/O - SUJEN CHANDRA DEKA

R/O- SARUPHUL CHAKI
GORESWAR
DISTRICT- BAKSA
ASSAM
PIN-781366

Advocate for the Petitioner : MR P KATAKI, U BARUAH,MS N KASHYAP,MS. A LALA,MRS
R BEGUM

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 01.06.2026

- 1.** Heard Mr. P. Katakai, learned Senior Counsel assisted by Ms. R. Begum, learned counsel for the petitioner. Also heard Mr. K. K. Das, learned Additional Public Prosecutor for the State of Assam.
- 2.** This is an application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 challenging the order dated 17.01.2025, passed by the learned Judicial Magistrate First Class, Rangia in NICR Case No.59/2024.
- 3.** The petitioner, Rupjyoti Borah is an accused before the Trial Court. Summons was issued to him but, in spite of service of summons, he did not appear before this Trial Court. Therefore, the Trial Court directed issue of bailable warrant of arrest against him. This bailable warrant of arrest was not served in spite of that the Trial Court directed issue of NBWA against the present petitioner.
- 4.** The petitioner submits that he is interested in facing the trial and therefore he deserves to be given adequate opportunity to that effect.
- 5.** I have considered the submissions made by the learned counsel for both sides.
- 6.** Since the petitioner is interested in facing the trial, this Court is of the opinion that the petitioner deserves to be given adequate opportunity to that effect. Therefore, his application is allowed.
- 7.** Therefore, the NBWA issued against the petitioner, Rupjyoti Borah shall be

recalled.

8. The petitioner, Rupjyoti Borah is directed to appear before the Court of the learned Judicial Magistrate First Class, Rangia in connection with NICR Case No.59/2024 on 30.06.2026 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 Judicial Magistrate First Class, Rangia.

10. With the aforesaid direction, this criminal petition stands disposed of.

JUDGE

Comparing Assistant