

GAHC010124082026



2026:GAU-AS:8848

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

Case No. : Crl.Pet./887/2026

SRI RUPJYOTI BORAH
S/O SRI HAREN BORAH, R/O- VILLAGE- MONAIMAZI GAON, P.O-
DHEKORGORH, P.SJORHAT, DISTRICT- JORHAT, ASSAM, PIN NO-785015.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

2:SMT PANCHAMI DAIMARI
W/O - SRI JAHN DAIMARI
R/O- VILLAGE- BALISITHA
P.O. AMBAGAON
P.S. HARISINGA
DISTRICT- UDALGURI
BTR
ASSAM
PIN-784510

Advocate for the Petitioner : MR P KATAKI, SR. ADV., MS. A LALA,MS N KASHYAP,MRS R
BEGUM,MS S BARPUJARI

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 19.06.2026

1. Heard Mr. P. Katakai, learned Senior Counsel assisted by Ms. A. Lala, learned counsel for the petitioner. Also heard Mr. P. S. Lahkar, 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, in respect of N.I. Act Case No.30/2024, pending in the Court of the learned Chief Judicial Magistrate, Udalguri.

3. The petitioner, Rupjyoti Borah, ordinarily resides in Mumbai for the purpose of his livelihood, while his family resides at Jorhat. In connection with the aforesaid case, summons were issued to the petitioner and were served at his Jorhat residence. The petitioner did not have the knowledge and, therefore, the Trial Court directed issue of NBWA against the present petitioner.

4. Now after knowing all those facts, the petitioner submits that he is interested in facing the trial and, therefore, he should be given adequate opportunity to that effect.

5. I have considered the submissions made by the learned counsel of 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, his application is allowed.

7. All orders passed by the learned Chief Judicial Magistrate, Udalguri in N.I. Act Case No.30/2024 directing issue of NBWA against the present petitioner, Rupjyoti Borah are set aside.

8. The petitioner, Rupjyoti Borah is directed to appear before the Court of the learned Chief Judicial Magistrate, Udalguri in connection with the N.I. Act Case No.30/2024 on 06.07.2026 and on his appearance he shall be allowed to go on bail of Rs.25,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Udalguri.

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

JUDGE

Comparing Assistant