

GAHC010148052025



2025:GAU-AS:13545

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

Case No. : Crl.Pet./842/2025

SARAT SINGHA
SON OF LATE BIRCHANDA SINGHA
C/O CHANDRA DAS
R/O SAUKUCHI, HOCKY STADIUM ROAD, OPPOSITE LAKHI MANDIR, P.S.
BASISTHA DIST. KAMRUP (M).
R/O KALABASTI, P.S. HOJAI
SUB-DIVISION- HOJAI,
DIST. HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MS. S G BARUAH, MR. B BORGOHAIN, MR B SAIKIA, MR. S
NEOG

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE PRANJAL DAS

O R D E R

26.09.2025

Heard Ms. S.G. Baruah, learned counsel for the petitioner. Also heard Mr. J. Chutia, learned Addl. P.P. for the State respondent.

2. The petitioner has filed the instant criminal petition under Section 528 of the BNSS Act, 2023, R/W Article 227 of the Constitution of India seeking interference with the various orders passed by the learned Court below issuing N.B.W.A against the present accused in PRC Case No. 1602/2019 pending in the Court learned CJM Kamrup (M). The last order is stated to be on 20.08.2025. The learned counsel has annexed copies of the relevant documents such as charge-sheet and orders passed by the Court.

3. It is submitted that at the outset of this case, he had got bail but subsequently due to some difficulty he could not appear and also unaware of certain circumstances regarding the case and accordingly, various N.B.W.A were issued again him. The petitioner is facing prosecution in the aforementioned PRC Case No. 1602/2019 arising out of Bhangagarh P.S. Case No. 209/2019 in which the charge-sheet has been filed under Section 120(B)/420 of IPC.

4. It is submitted that the petitioner shall participate in the Trial and appear regularly from onwards.

5. The learned Addl. P.P. submits that the petitioner was absent since 2019. Therefore, the learned Court below rightly issued the N.B.W.A.

6. I find force in the contention of the prosecution that due to the continued absence of the petitioner, the learned Court below was constrained to resort to coercive measures like N.B.W.A.

7. Nevertheless, considering the contentions and undertaking on behalf of the petitioner and also keeping in mind the interest of taking the trial forward – I

deem it fit to allow the this criminal petition.

8. Accordingly, N.B.W.A. vide various orders against the petitioner in the instant case are hereby set aside and quashed subject to the conditions that he shall appear before the learned Court below on the next fixed on 10.11.2025 and thereafter, appear regularly before the learned Court below and also not hamper or tamper with the evidence.

9. With the above observations, this criminal petition stands **allowed** and **disposed of**.

JUDGE

Comparing Assistant