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

Case No. : Crl.Pet./1272/2026

SRI MRIDUL GOGOI
S/O-LATE NILA GOGOI R/O- VILLAGE TEPOR GAON P.O.-CHAMUA
KHANIKAR P.S.-GAURISAGAR, DIST-SIVASAGAR ASSAM, PIN-785661

VERSUS

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

2:THE DIVISIONAL FOREST OFFICER
DIGBOI FOREST DIVISION
DIGBOI

Advocate for the Petitioner : MR. A R SHOME, R DEB,RAJ HAZARIKA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

14.09.2026

Heard Mr. A.R. Shome, learned counsel for the petitioner and Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

2. In this petition, under Section 528 of the BNSS, the petitioner has

challenged the orders dated 09.06.2022; 14.10.2022; and all subsequent orders, passed by the learned Sub-Divisional Judicial Magistrate (M), Margherita (trial court hereinafter), in CR Case No. 06/2017.

3. It is to be noted here that vide impugned order dated 09.06.2022, learned trial court had issued Non-Bailable Warrant of Arrest (NBWA hereinafter) and also vide impugned order dated 14.10.2022 and all subsequent orders, the learned trial court had issued proclamation and attachment against the petitioner.

4. Mr. Shome, learned counsel for the petitioner, submits that the petitioner is the accused in CR Case No. 06/2017, pending before the learned trial court and that on 09.06.2022, the petitioner could not remain present before the learned trial court, for which the learned trial court had issued NBWA against the petitioner. Thereafter, vide impugned order dated 14.10.2022 and all subsequent orders, the learned trial court had issued proclamation and attachment against the petitioner.

4.1. Mr. Shome further submits that because of HIS avocation, the petitioner was at Tuli, Nagaland and on such count, he could not appear before the learned trial court on the date fixed. Mr. Shome also submits that now the petitioner is ready to face the trial and will appear before the learned trial court on each and every date and therefore, he may be given a chance to appear before the learned trial court to face the trial and also to recall his warrant of arrest as well as the proclamation and attachment.

5. Per-contra, Mr. Borthakur, learned Additional Public Prosecutor, submits that the petitioner may be directed to appear before the learned trial court, fixing a date and till then, the warrant of arrest as well as the proclamation and

attachment issued against the petitioner may be kept in abeyance.

6. Having heard the submissions of learned counsel for both the parties, this Court has carefully gone through the petition as well as the documents placed on record and also perused the impugned order dated 09.06.2022, by which NBWA was issued against the petitioner and also the order dated 14.10.2022 and all subsequent orders thereof, by which proclamation and attachment was issued against the petitioner.

7. Taking note of the submissions of learned counsel for both the parties, this Court is inclined to dispose of this petition by directing the petitioner to appear before the learned trial court on or before 25.09.2026 and to apply to regular bail and on such application being filed by the petitioner, the learned trial court shall consider the same in accordance with law.

8. Till then, the NBWA, issued against the petitioner, vide impugned order dated 09.06.2022 and also the proclamation and attachment, issued against him, vide impugned order dated 14.10.2022 and all subsequent orders thereof, shall be kept in abeyance.

9. In terms of above this criminal petition stands disposed of.

JUDGE

Comparing Assistant