

GAHC040002462026



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

Case No. : Crl.Petn./36/2026

Amit Kumar Dey
Executive Director of M/s Apocalypse Steel and Power Ltd Durgapur, West Bengal,
Son of Vaidyanath Dey, resident of 98 CM Shah Road, Monirampur, Barrackpore,
North 24 Parganas District, West Bengal 700120

VERSUS

The State of AP and Anr
represented by the PP of AP 2:Koj Tassar
Age: 0
Occupation :
DFC (Rtd)
Son of Late Koj Hanya
resident of Dutta Village
Ziro
Police Station Ziro
Lower Subansiri District
Arunachal Pradesh 79112

Advocate for the Petitioner : H Rahman,

Advocate for the Respondent : P P of AP,

**BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG**

ORDER

27.02.2026

Heard Mr. L. Bengde, learned counsel for the petitioner. Also heard Ms. L. Hage, learned Additional Public Prosecutor for the State respondent.

2. This application, under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed by the accused-petitioner challenging the impugned orders dated 10.03.2025 and 17.12.2025 passed by the learned Chief Judicial Magistrate, Ziro in G.R. Case No. 05/2025 arising out of Ziro P.S. Case No. 03/2025, registered under Sections 318(2)/316(2) of the BNS, whereby a Non-Bailable Warrant of Arrest (NBWA) and proclamation were issued against the accused-petitioner.

3. It is submitted that the offences registered against the accused/petitioner are compoundable in nature.

4. Ms. Hage, learned Additional Public Prosecutor, submits that as the offences in question are compoundable, the petitioner has an efficacious alternative remedy by way of compounding the case before the learned Trial Court in accordance with law.

5. Since the offences are compoundable under the statutory Sections of the BNSS, the petitioner has an efficacious alternative remedy of approaching the learned Trial Court for compounding of the offences in accordance with law.

6. Inherent jurisdiction under Section 528 of BNSS is ordinarily not required to be invoked where the statute itself provides a specific procedure for compounding of offences.

- 7.** In view of the above, this court is of the opinion that this matter can be disposed of at the motion stage.
- 8.** Accordingly, without expressing any opinion on the merit of the case, this petition is disposed of with liberty to the petitioner to approach the learned Trial Court for compounding of the offences, if so advised.
- 9.** It is clarified that, if such an application is filed, the learned Trial Court shall consider and dispose of the same in accordance with the provisions of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.
- 10.** Further, till such application is made by the petitioner, no coercive action shall be taken against the accused/petitioner, Shri Amit Kumar Dey, pursuant to the impugned orders dated 10.03.2025 and 17.12.2025, passed by the learned Chief Judicial Magistrate, Ziro, in G.R. Case No. 05/2025, regarding the Non-Bailable Warrant of Arrest (NBWA) and proclamation issued against him.
- 11.** In view of the above, the present criminal petition stands disposed.

JUDGE

Comparing Assistant