GAHC010200242026

2026:GAU-AS:15757

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

Case No. : Crl.Pet./1307/2026

ARIFUL ISLAM @ ARIFUL HOQUE
S/O ABDUL QUYUM, R/O VILLAGE- MOINAALA, P.O.- ERALLGEOL, P.S.- PATHERKANDI, DISTRICT- SRIBHUMI, ASSAM.

VERSUS

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

2:ABU MD. SADDAM HUSSAIN
S/O LATE MOIN UDDIN
R/O VILLAGE- BANDARKUMA PART-I
P.O.- ERALIGOD
P.S.- PATHARKANDI
DISTRICT- SRIBHUMI
ASSA

Advocate for the Petitioner : MRS. S D CHOUDHURY,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

15.10.2026

1. Heard Mrs. S.D. Choudhury, learned counsel appearing for the petitioner. Also heard Ms. S.H. Borah, learned APP appearing for the State of Assam.

2. By this application filed under Section 528 of the BNSS, 2023 the petitioner has prayed for quashing of the order dated 28.07.2026 passed by the learned Sub-Divisional Judicial Magistrate (S), Sribhumi in PRC Case No. 162/2026 whereby a non-bailable warrant of arrest was issued against the petitioner.

3. The case of the petitioner is that an FIR was lodged by one Abu Mohammad Saddam Hussain who stated *inter alia* that he was a teacher at Binodini Public Academy School and that the Headmaster of the said school had been engaging in illegal acts with the girl students of the school. He further stated that upon learning about the alleged acts of the Headmaster, he along with other teachers confronted the Headmaster who proposed to settle the matter. During the course of the deliberations the Headmaster was allegedly assaulted.

4. Upon completion of the investigation, the police submitted a charge sheet and the case is presently at the stage of appearance.

5. The learned counsel appearing for the petitioner submits that the petitioner was not aware of the proceedings before the learned trial court as he had never received any summons in connection with the case. However, the learned counsel undertakes that the petitioner shall appear before the learned trial court on the next date fixed without fail.

6. On the other hand, Ms. S.H. Borah, learned APP submits that there is no infirmity in the order dated 28.07.2026 whereby a non-bailable warrant of arrest (NBWA) was issued against the petitioner.

7. Upon consideration of the submissions made by the learned counsel for the parties, more so in view of the petitioner's specific plea that he had not received the summons and his undertaking to appear before the concerned court without fail, this Court directs the petitioner to appear before the Court of the learned Sub-Divisional Judicial Magistrate, Sribhumi, within 20 (twenty) days from the date of this order. Until

then, the order dated 28.07.2026 whereby the non-bailable warrant of arrest (NBWA) was issued against the petitioner shall remain in abeyance. However, in the event the petitioner fails to appear before the concerned court within the aforesaid stipulated period the order issuing the NBWA shall stand revive on the 21st day from the date of this order.

8. It is further directed that any application filed by the petitioner including an application seeking bail shall be considered by the learned court in accordance with law.

9. With the above directions, the petition stands disposed of.

JUDGE

Comparing Assistant