

GAHC010181172023



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

Case No. : I.A.(CrI.)/712/2023

BISHNU PRASAD BRAHMA
S/O- LATE BANESWAR TAMULARY, PRESENTLY RESIDING AT BSNL
QUARTER NO. 602 ANAND RAM BARUAH ROAD, PANBAZAR, P.O. AND P.S.
PANBAZAR, GUWAHATI, DIST.- KAMRUP (M), ASSAM-01

VERSUS

THE CENTRAL BUREAU OF INVESTIGATION
REPRESENTED BY STANDING COUNSEL CBI

Advocate for the Petitioner : MS. R B BORA

Advocate for the Respondent : SC, CBI

Linked Case : AB/2332/2023

BISHNU PRASAD BRAHMA
S/O- LATE BANESWAR TAMULARY
PRESENTLY RESIDING AT BSNL QUARTER NO. 602 ANAND RAM BARUAH
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P.O. AND P.S. PANBAZAR
GUWAHATI
DIST.- KAMRUP (M)
ASSAM-01

VERSUS

THE CENTRAL BUREAU OF INVESTIGATION
THROUGH SC
CBI

Advocate for : MR. R DE
Advocate for : SC
CBI appearing for THE CENTRAL BUREAU OF INVESTIGATION

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

16.08.2023

Heard Ms. R.B. Bora, learned counsel for the applicant. Also heard Mr. M. Haloi, learned Standing Counsel, CBI.

By this interlocutory application, the applicant, namely Bishnu Prasad Brahma, has prayed for extension of the time period for appearing before the Investigating Officer in terms of the order, dated 08.08.2023, passed in AB No.2332/2023.

In Paragraph Nos.4 and 5 of the petition the applicant has averred supported by Affidavit as hereinbelow extracted-

“4. That, the Applicant states that he along with R.K.Sinha, John Kullu and Ranjit kumar basumatary had gone to the CBI office at Betkuchi, Guwahati on 11.08.2023 for recording their statements as directed by the Hon'ble Court in Order dated 08.08.2023 passed in [A.B.No. 2332/2023](#) and other respective three Anticipatory bail applications filed by the other three persons. But they were not allowed to enter into the office by saying that Investigating Officer of the case is out of station and they were asked to come and record their statements after 13th day of August 2023. Hence, they have no other alternative, the petitioner returned from the CBI office without his statement being recorded. It is pertinent to mention herein that the seven days

period will be expire on 14.08.2023 and in terms of the order of the Hon'ble Court, the interim pre arrest bail shall have no force and hence, this application is being filed praying for extension of time for appearance before the Investigating Officer for the purpose of recording his statement in the interest of Justice.

5. *That the applicant begs to state that he is ready to co-operate with the investigation of the case as and when necessary. It may be stated that the applicant had gone to the CBI Office on 11.08.2023 and he was asked to come after 13.08.2023 for recording his statement. Since the interim protection provided by the Hon'ble Court would lapse on expiry of 7(seven) days, there is an apprehension that he may be detained in the event of him appearing before the Investigating Officer on 14.08.2023 onwards and accordingly, this application is filed by him praying for extension of time for appearance before the Investigating Officer for the purpose of recording his statement in the interest of justice."*

Mr. M. Haloi, learned Standing Counsel, CBI, submits that as per telephonic instruction received from the Investigating Officer, the statements of the applicant and co-accused Raj Kumar Sinha were recorded on 14.08.2023.

In spite of the above, it is unfortunately noticed that the instant interlocutory application is filed today on the above grounds cited in paragraph Nos. 4 and 5, supported by an affidavit.

In view of the above, call for the up-to-date case diary including the statement of the applicant.

Let the connected AB No.2332/2023 be listed on **25.08.2023**.

Interim order, dated 08.08.2023, passed in AB No.2332/2023 shall continue till then.

The I.A. stands disposed of.

JUDGE

Comparing Assistant