

GAHC010186532022



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

**Case No. : W.P.(Crl.)/34/2022**

SADDAM HUSSAIN  
S/O REZZAK ALI, R/O SAPATGRAM WARD NO. 4, P.O. AND P.S.-  
SAPATGRAM, DIST- DHUBRI, ASSAM, PIN-783337

VERSUS

THE STATE OF ASSAM AND 3 ORS.  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE  
GOVERNMENT OF ASSAM, DEPARTMENT OF HOME, DISPUR, GUWAHATI-  
06

2:THE DIRECTOR GENERAL OF POLICE  
ASSAM  
ULUBARI  
GUWAHATI-07

3:THE SUPERINTENDENT OF POLICE  
DHUBRI  
P.O.-DHUBRI  
DIST-DHUBRI  
ASSAM  
PIN-783301

4:THE OFFICER-IN-CHARGE OF SAPATGRAM POLICE STATION  
P.O.-SAPATGRAM  
DIST- DHUBRI  
ASSAM  
PIN-78333

**Advocate for the Petitioner : MR. M A MONDAL**

**Advocate for the Respondent : GA, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**03.03.2023**

*(AM Bujor Barua, J)*

Heard Mr. MA Mondal, learned counsel for the petitioner. Also heard Mr. D Nath, learned Senior Government Advocate appearing for all the respondents.

2. The petitioner Saddam Hussain had instituted this writ petition (criminal) raising the contention that in connection with the incident where his father Rezzak Ali, resident of Sapatgram Ward No.4 in the Dhubri district went missing on 16.03.2022, an FIR dated 20.03.2022 was lodged resulting in registration of Sapatgram PS GDE No.370 dated 20.03.2022 which was re-registered as Sapatgram PS Case No.19/2022. The petitioner raised the contention that although the FIR was lodged on the missing of his father, no effective investigation had been done in the matter.

3. Accordingly, by our earlier order dated 08.02.2023, we required the personal presence of the Investigating Officer along with the relevant case diary. On 15.02.2023 when the Investigating Officer appeared before the Court along with the case diary, it was noticed that although the Investigating Authority had made the effort to carry forward the investigation, but the required materials were not available. On 15.02.2023, the learned counsel for the petitioner had

pointed out that one Jahangir Hussain was possibly involved on the missing of the father of the petitioner. Accordingly the Investigating Officer was required to make further investigation and submit an updated report before the Court. In response thereof, the report dated 27.02.2023 had been submitted by the Officer-in-Charge Bilasipara Police Station.

4. Paragraphs 19 and 20 of the report dated 27.02.2023 of the Officer-in-Charge Bilasipara Police Station make it discernible that the accused referred by the petitioner namely, Jahangir Hussain had been arrested from a place within the jurisdiction of Kharibari Police Station of Darjeeling district of West Bengal and after completing the necessary legal formalities, he had been brought on transit before the Bilasipara Police Station for further investigation.

5. As the investigation is being carried forward in the desired manner, we are of the view that no further adjudication is required in this writ petition (criminal). But, however, we express our view that the investigation in Bilasipara Police Station Case No.96/2022 under Section 365 IPC be brought to its logical end as per law.

6. The writ petition (criminal) is accordingly closed.

7. A copy of the report dated 27.02.2023 of the Officer-in-Charge Bilasipara Police Station be kept as part of the record.

**JUDGE**

**JUDGE**

**Comparing Assistant**