

GAHC010212532023



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

Case No. : W.P.(Crl.)/34/2023

ZIAUR RAHMAN
S/O- LATE MAHED ALI,
VILLAGE- RAKHALKILLA SATTA BARI,
P.O- SIMLABARI,
P.S- LAKHIPUR, DIST- GOALPARA, ASSAM, PIN-783330

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
HOME DEPARTMENT
DISPUR, GHY-06.

2:DIRECTOR GENERAL OF POLICE

GOVT. OF ASSAM

ULUBARI
GUWAHATI-07

3:SUPERINTENDENT OF POLICE
GOALPARA

4:OFFICER IN CHARGE
LAKHIPUR THANA
GOALPARA

5:OFFICER IN CHARGE
DHUMERR GHAT POLICE OUTPOST
GOALPARA

6:DHRUBA DUTTA

FOREST RANGE OFFICER LAKHIPUR GOALPARA

Advocate for the Petitioner : MR. S RAHMAN

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

08-12-2023

(M.R.Pathak, J)

Heard Ms. S Goswami, learned counsel for the petitioner and Mr. P Sharma, learned Additional Senior Government Advocate, Assam for the respondents.

2. It is contended by the petitioner that he is the Secretary of the Village Defense Party of Village- Rakhalkilla Sattabari of District- Goalpara and that he complained about illegal trafficking of sand, wood, stone etc. from his village and also reported the same before the police as well as the forest department.

3. As those authorities did not take any steps restraining such illegal trafficking, he exposed those criminal acts of the syndicate in social media and later in news channels when they approached him.

4. Thereafter, on 04.11.2022, he was summoned by the police of Lakhipur Police Station of District-Goalpara. But, instead of appreciating such good work, he was threatened and further, the respondent No. 6, Forest Range Officer, Lakhipur, Goalpara as well as other police personnel from Lakhipur Police Station tortured him physically and mentally.

5. It is also contended by the petitioner that he was arrested in connection with Lakhipur Police Station Case No. 92/2023 registered under Sections 420/384/506 of IPC and was later released on bail by the learned Chief Judicial Magistrate, Goalpara.

6. Hence, this writ petition by the petitioner for a direction to the respondent authorities to enquire into the matter and to stop the act of humiliating him.

7. Pursuant to the order dated 04.12.2023, Mr. P Sharma, learned Additional Senior Government

Advocate, Assam has placed before the Court that after investigating the matter of said Lakhipur P.S. Case No. 92/2023, Charge-Sheet has already been filed on 30.04.2023, in which the petitioner is one of the charge-sheeted accused and the matter is presently pending before the learned Chief Judicial Magistrate, Goalpara in PRC Case No. 579/2023 and that the next date of appearance is fixed on 20.12.2023.

8. We have seen that the petitioner, without filing any FIR before the concerned Police Station regarding the alleged torture and humiliation to him by the alleged accused persons including the local forest officials and police personnel from Lakhipur Police Station and also without filing any complaint before the Assam Police Accountability Commission, has preferred this writ petition.

9. Considering the fact that there are sufficient alternative remedies available to the petitioner for redressal of his grievances in approaching the appropriate authorities, this Court is not inclined to admit this writ petition.

10. Accordingly, this writ petition stands dismissed.

11. However, the petitioner, if so advised, may approach the appropriate forum for redressal of his grievances in accordance with law.

12. Copy of the report submitted by the Superintendent of Police, Goalpara through Mr. P Sharma, learned Additional Senior Government Advocate, Assam pursuant to the order dated 04.12.2023 be kept as part of the record.

JUDGE

JUDGE

Comparing Assistant