

GAHC010233002022



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

Case No. : Crl.Pet./1157/2022

JERINA GOGOI
W/O SRI DEVA KUMAR GOGOI
EX.MEMBER OF 77 NO. MADHYA DHAKUAKHANA PANCHAYAT UNDER
DHAKUAKHANA ANCHALIK PANCHAYAT, REDENCE OF VILL- DIGHALA
GAON, P.O. AND P.S. DHAKUAKHANA
DIST. LAKHIMPUR, PIN-787055, STATE- ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:SRI PRASHANTA PATIR
S/O SRI SUBASH PATIR
R/O BELORPARA
DIMARUGURI
P.S. DHAKUAKHANA, P.O. DHAKUAKHANA
ASSAM, INDIA
PIN-787055

Advocate for the Petitioner : MR. J I BORBHUIYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

14.11.2023

Heard Mr J I Borbhuiya, learned counsel for the petitioner, Jerina Gogoi and Ms A Begum, learned Additional Public Prosecutor for the State of Assam. Also heard Mr P

Boiragi, learned counsel for the respondent No. 2.

2. It is submitted by the learned counsel for the petitioner that the petitioner is not a Member of Dimoguri Anchalik Panchayat, but she is an Ex-Member of 77 No. Madhya Dhakuakhana Panchayat under Dhakuakhana Anchalik Panchayat.

3. The learned counsel for the respondent No. 2 has submitted that he has no allegation against the petitioner. The allegation is basically against the accused named in the FIR and not against the petitioner.

4. The FIR that was lodged by the respondent No. 2, unfolds that since 2012/2013, the accused persons named in the FIR, 1) Smti Mira Patir, 2) Sri Premadhar Kaman and 3) Sri Himananda Das have been misappropriating the funds of all the schemes of the Anchalik Panchayat of Dimoguri under Dhakuakhana Mouza. Smt Mira Patir, President of Dhakuakhana Anchalik Panchayat, Sri Premadhar Kaman, BDO (at present,retired), Dhakuakhana and Sri Himananda Das, BDO, Dhakuakhana, have opened CSP fake accounts in the name of the beneficiaries and they have siphoned off the funds of various schemes through these fake accounts.

5. It is submitted that the FIR was registered as Dhakuakhana PS Case No. 183 of 2017 and investigation commenced. The IO submitted charge sheet against the present petitioner, who is not at all named in the FIR. Moreover, while submitting charge sheet the IO had referred to a bail order of the petitioner in connection with another case and not in connection to this case.

6. The learned counsel for the respondent No. 2, Sri Prasanta Patir, who lodged the FIR has categorically submitted that he has no allegation against the present petitioner. He has mentioned the names of the accused against whom, he has alleged misappropriation of funds of several schemes of Anchalik Panchayat of Dimoguri.

7. I have also considered the submissions on behalf of the present petitioner, that she was an Ex-Member of 77 No. Madhya Dhakuakhana Panchayat under Dhakuakhana

Anchalik Panchayat and she was never a Member of Dimoguri Anchalik Panchayat under Dhakuakhana. The present petitioner, at present is not a Member of any Anchalik Panchayat. This case is booked under Sections 420/468/409/471/34 IPC.

8. I have considered the submissions at the bar with circumspection.

9. It is held that as the informant has no allegation against the petitioner the probability of conviction appears to be remote and bleak. Thus, further proceeding will indeed be an abuse of the process of the Court.

10. This appears to be a fit case to invoke the inherent jurisdiction under Section 482 CrPC.

11. Petition is allowed.

12. The proceeding in so far as the petitioner, Jerina Gogoi is concerned, is hereby set aside and quashed.

13. The Criminal Petition stands disposed of.

JUDGE

Comparing Assistant