

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 732 of 2024

Seli Pal (Som)

---Petitioner(s)

Versus

The State of Tripura and 4 Ors.

---Respondent(s)

For Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate. Mr. K. Chakraborty, Advocate.
For Respondent(s)	:	Mr. P. Gautam, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

29.11.2024

Heard learned counsel for the parties.

[2] This is a petition under Article 226 of the Constitution of India for seeking the following relief(s):

- (i) Issue Rule, calling upon the Respondents and each one of them, to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued, directing them, to transmit the records, lying with them, for rendering substantive and conscionable justice to the Petitioner;
- (ii) Issue Rule, calling upon the Respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued, mandating/directing them, to act in conformity with the observations/directions, contained in the Order dated 14.07.2023 (Annaxure-9 supra), passed by this Hon'ble High Court, in Crl. Petn. No. 58 of 2022, thereby making further investigating of the matter as regards the role and complicity of Md. Nakib Ali in connection with West Agartala PS Case NO.277/11 dated 05.08.2011.
- (iii) Call for records appertaining to this Writ petition.
- (iv) After hearing the parties, be pleased to make the Rule absolute in terms of (i) & (ii) above;
- (v) Any other Relief(s) as to this Hon'ble High Court may deem fit and proper.

[3] It is the case of the petitioner that in pursuant to a written complaint lodged by the petitioner regarding abduction of her husband, namely, Asis Shome, an FIR bearing No. West Agartala PS Case No. 267/11 05.08.2011 was registered. Thereafter, pursuant to a Writ Petition [WP(C)(HC) No.02 of 2013], filed by the Petitioner, by an Order dated 29.09.2015, this Court had directed the concerned Investigating Officer to complete the investigation, and submit the Charge Sheet. On completion thereof, the Charge Sheet bearing No. 38/2016 dated 30.04.2016 was submitted. Since, no effort was made to interrogate or arrest the prime accused and one of the key conspirators, namely,

Nakib Ali, the petitioner filed an Application dated 14.02.2020, before the Ld. CJM, West Tripura, Agartala, seeking a direction upon the concerned Investigating Agency to cause further investigation of the case, for the purpose of gathering evidence against Nakib Ali. By an Order dated 24.04.2021, such prayer of the petitioner was rejected. Thereafter, in the spirit of the prescriptions, contained in Section 173(8) of the Code of Criminal Procedure, 1973, the petitioner submitted an application dated 05.10.2021, before the respondents, inter alia praying for causing further investigation, to unearth the role of said Nakib Ali, but the same did not evoke any response. Being aggrieved thereby, the petitioner filed Crl. Petn. No. 58 of 2022, and by an order dated 14.07.2023, this Court had directed the respondents to make further investigation of the matter as regards the role and complicity of Md. Nakib Ali, but no steps have been taken by them till date. Hence, this Writ Petition.

[4] From a bare perusal of the record, it surfaces that despite order dated 14.07.2023 being passed in Crl. Petn 58 of 2022 by this Court, to examine one Mr. Nakib Ali, the respondents have not examined him. Initially, Nakil Ali was not in India but recently, according to counsel for the petitioner, he is available at Kailashahar. The respondent no.5 being the investigating officer has not complied with the order dated 14.07.2023. It is contended by the counsel for the petitioner that further investigation and examination of Nakil Ali be done. Even without being there any investigation, the respondents have filed the chargesheet. Aggrieved thereby, the petitioner contended that Nakib Ali who is the prime suspect needs to be examined.

[5] In view of the same, considering the infringement of the Article 21 of the Constitution of India and adhering to the order passed by this Court on 14.07.2023, this court is of the opinion that there shall be a direction upon the respondent No.5 (The Deputy Superintendent of Police (CID), Government of Tripura) to examine the prime

suspect Nakib Ali forthwith and file a suitable report before the concerned trial court as expeditiously as possible.

[6] With the above observation and direction, this present writ petition stands disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

Dipak

