

GAHC040009862017



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

Case No. : WP(C)/830/2017

SMTI JOYONTI BASUMATARY
W/O SHRI GULAB BASUMATARY, R/O VILLAGE NO. 1 GAJEN PATHER, PO
POLICHOMANI, PS GOHPUR DIST. BISWANATH, ASSAM, MOBILE NO.
8011807256

VERSUS

THE STATE OF A.P. AND 5 ORS.
REPRESENTED BY THE SECRETARY, DEPTT. OF HOME, GOVT. OF AP,
ITANAGAR. 2:THE INSPECTOR GENERAL
Age: 0
Occupation :

3:THE SUPERINTENDENT OFPOLICE
Age: 0
Occupation :

4:THE SUPERINTENDENT OF POLICE
Age: 0
Occupation :

5:THE OFFICER IN CHARGE
Age: 0
Occupation :

6:SMTI RITA BASUMOTARY
Age: 0
Occupation

Advocate for the Petitioner : MR.W Sawin

Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 11.03.2024

Heard Mr. L. Perme, learned counsel for the petitioner. Also heard Mr. G. Tado, learned Addl. Public Prosecutor for the respondents no. 1, 2 & 3 and Mr. Y. Riram, learned Government Advocate representing the respondents no. 4 & 5.

None has appeared for the respondent no. 6.

Mr. L. Perme, learned counsel for the petitioner, at the outset, submits that on account of the fact that she was not given access to the reports pertaining to the death of her only son which is raised in the present proceeding, she has not been able to prepare the writ petition in the manner required.

Accordingly, Mr. Perme, learned counsel for the petitioner prays that he may be permitted to withdraw the present writ petition with a liberty to re-file the same with a further direction to the competent authorities to furnish to the petitioner the relevant documents, including the Post-mortem report pertaining to the death of her only son for an examination to satisfy herself that there was no any foul play leading to the death of her son while in custody.

It is to be noted at the stage that the matter was also examined by the National Human Rights Commission and the said commission after making its independent enquiry in the matter, had concluded that the death of the son of the petitioner was not on account of any foul play on the part of the police officials and the death was natural and due to the ailment suffered by the deceased. However, the mother desires to understand the actual cause of death of her only son by perusing the documents.

In view of the prayer made by Mr. L. Perme, learned counsel for the petitioner, the writ petition stands dismissed as not pressed with a liberty granted to the petitioner to re-file, if so advised.

However, dismissal of the present writ petition shall not bar the petitioner herein to approach the competent authority wherein, the documents as sought by her are available to make an application for certified copies of the same.

In the event of the petitioner making such application, the authority before whom such application is made, in the event, the documents are so available in its record, a certified copies thereof be furnished to the petitioner.

The Case Diary as produced by Mr. G. Tado, learned Addl. P.P. is returned back.

JUDGE

Comparing Assistant