

GAHC040016782023



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

Case No. : Crl.Petn./233/2023

Yomtum Ete
Son of Karyom Ete, R/o Paktu, P.O/P.S Aalo, District West Siang, Arunachal Pradesh.

VERSUS

The State of AP and Anr.
represented by the Special Public Prosecutor. (SIC) 2:Shri Dapu Ligo
Age: 0
Occupation

Advocate for the Petitioner : Duge Soki

Advocate for the Respondent : Ojing Pada

BEFORE
HONBLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 18.07.2024

Heard Mr. D. Soki, learned counsel for the petitioner and Mr. O. Pada, learned Special Public Prosecutor for the SIC(Vigilance).

By this petition filed under Section 482 of the Code of Criminal Procedure, 1973, the petitioner has prayed for quashing of the SIC/VIG./PS/Case No.08/2019 registered under Section 409/420/120(B) IPC *read with* Section 13(2) of the PC Act. The ground for making

such prayer is that, although, in the instant case, the FIR was lodged way back on 06.07.2018 which was registered as FIR No.08/2019, the Investigating Agency has done nothing in the case till date.

Case Diary called for, has been received and I have perused the same.

On perusal of the record, it appears that the FIR was lodged on 06.07.2018 by one Dapu Ligo of Ligo village West Siang district; it was registered as SIC/VIG./PS/Case No.08/2019 under Section 409/420/120(B) IPC *read with* Section 13(2) of the PC Act, but the case was still under investigation at the time of filing this petition. However, after filing of the present petition, when the petitioner prays for quashing of the said FIR No.08/2019, the Investigating Agency, SIC(Vig.), Police Station, Itanagar seems to have submitted a final report of the said SIC/VIG./PS/Case No.08/2019 under Section 409/420/120(B) IPC *read with* Section 13(2) of the PC Act, before the Special Court, PC Act, Yupia on 21.05.2024.

The IO of the case in its final reports stated that although the investigation was carried out, there is a lack of evidence against the alleged accused as there is no any pecuniary gain found in their accounts and in their kits & kins' accounts. It is further stated that no any conclusive proof to suggest that any fund was syphoned by the alleged accused without work or less work has been done as some work was found to have done.

In view of the above observation, and since the case has already been submitted into final report, I am of the considered opinion that this criminal petition can be dispose of. Accordingly, this petition is disposed of with a direction to the learned Special Judge, PC Act, Yupia, to pass necessary order based on the said final report, in accordance with law.

With the above, this criminal petition stands disposed of.

Return the Case record.

JUDGE

Comparing Assistant