

GAHC010044542024



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

Case No. : WP(C)/1273/2024

SANDIPAN CHOUDHURY @ SUNNY AND ANR
S/O- LATE SWAPAN KUMAR CHOUDHURY, R/O- HOUSE NO. 71,
GUNAMOYEE ROAD, TARAPUR, SILCHAR, DIST. CACHAR, ASSAM

2: PARTHA DAS
S/O- SATRUGUNHA DAS
C/O- SANKAR SAHA
NORSING ROAD
OPPOSITE SILCHAR
RAIWAY STATION
TARAPUR PART-I
SILCHAR
P.S. SILCHAR
DIST. CACHAR
ASSA

VERSUS

THE STATE OF ASSAM AND 5 ORS
THROUGH THE SECRETARY TO THE GOVT. OF ASSAM, HOME AND
POLITICAL AFFAIRS DEPARTMENT, DISPUR, GHY-781006.

2:THE DIRECTOR OF POLICE
ASSAM
ULUBARI
GHY-7.

3:THE SUPERINTENDENT OF POLICE
CACHAR
P.O. AND P.S. SILCHAR
DIST. CACHAR
ASSAM

4:THE OFFICER-IN-CHARGE

SILCHAR POLICE STATION
VILL. AND P.O. SILCHAR
DIST. CACHAR
ASSAM

5:IN-CHARGE
TARAPUR POLICE OUT POST
TARAPUR
P.O. AND P.S. SILCHAR
DIST. CACHAR
ASSAM

6:SMTI. SUMA DAS
W/O- SANJIB DAS
C/O- TAPAN SUTRADHAR
NURSING ROAD
(BHANDAR GALLY)
P.S. SILCHAR
DIST. CACHAR
ASSAM
PERMANENT RESIDENT OF VILL.- JIRIGHAT BAZAR COLONY
P.S. JIRIGHAT
DIST. CACHAR
ASSA

Advocate for the Petitioner : MR K P PATHAK

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

03.06.2024

Heard Mr. K.P Pathak, learned Sr. counsel assisted by Mr. JUNM Laskar, learned counsel for the petitioner. Also heard Mr. H. Sarma, learned Addl. Sr. Government Advocate for the respondents No. 1 to 5.

2. The petitioner is before this Court with a limited prayer that the investigations relating to Silchar P.S. Case No. 2105/2023 under Sections 342/326/376(D) of the Indian Penal Code be completed in terms of the mandate

of Section 173 (1-A) of the Cr.P.C.

3. The learned Sr. counsel for the petitioner submits that because of some incident which took place between the petitioner and some other persons in locality, a false allegation was made against the petitioner and his brother-in-law by lodging the instant FIR which was registered as Silchar P.S. Case No. 5105/2023. It is submitted that the investigations in respect of offences alleged to have been committed under Section 376(D) inter alia are required to be completed within a period of two months from the date on which the information was recorded by the Officer-in-charge. The learned Sr. counsel submits that this is the mandate of Section 173 (1-A) of the Cr.P.C. However, notwithstanding the FIR being registered on 05.11.2023, till date, the investigations are not being completed and no charge-sheet/final report has been filed by the Investigating Officer. The petitioner has handed over the CCTV footages in a pen drive available with him to the Investigating Officer in support of his contentions that he is no way connected with the allegations made in under Section 376(D). Notwithstanding that the petitioner has approached the Investigating Officer but no steps have been taken by the Investigating Officer to complete the said investigation in terms of the mandate of 173 (1-A) of the Cr.P.C. It is submitted that because of the pendency of the FIR, the petitioner has lost his credibility and status in the society and that has affected his business which is his livelihood. All his efforts to request the officer concerned to complete the proceedings expeditiously in terms of the mandate of Section 173 (1-A) have evoked no response. He has accordingly approached this Court praying for a direction to the respondent authorities more particularly the Officer-In-Charge of the Silchar Police Station to complete the investigations as per the mandate of Section 173 (1-A).

4. The learned Addl. Sr. Government Advocate submits that on instructions received from the I.O, he submits that it is the petitioner who has not co-operated with the investigation and because of which the investigation could not be completed. He submits that if the petitioner appears before the I.O then the proper investigations can be completed and the matter can be brought to its logical end.

5. Having heard the learned counsel for the petitioner and considering the limited prayer made by the petitioner, this petition stands disposed of with a direction that the petitioner will positively appear before the Investigating Officer, Silchar Police Station on 29.06.2024 at 10.00 AM. The investigating Officer, Silchar Police Station and in his absence, the Officer-in-Charge will ensure that all statements be recorded of the writ petitioner and the investigation be proceeded with in terms of Section 173 (1-A) and read with the other provisions of the Cr.P.C.

6. The respondent authorities, more particularly, the Investigating Officer is directed to complete the investigations in terms of Section 173 (1-A) within the period of two months from the date when the petitioner has been directed to appear before the Investigating Officer.

7. The Investigating Officer will have liberty to proceed in the investigation as per the provisions of law.

8. The writ petition stands disposed of in terms of the above.

JUDGE

Comparing Assistant