

GAHC010049462024



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

Case No. : AB/622/2024

GAUTOM DEKA
S/O ANANTA RAM DEKA, R/O VILL- BIHDIA, P.O.-BIHDIA, P.S.-BAIHATA
CHARIALI, DIST-KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M K SARMA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 13.03.2024

Heard Mr. M.K. Sarma, learned counsel for the applicant. Also heard Mr. B. Sarma, learned Addl. Public Prosecutor for the State respondent.

2. This application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant, namely, Gautom Deka, who has been apprehending arrest in connection with any case registered with Baihata Chariali

P.S. as he is being searched by police for last two days.

3. Mr. M.K. Sarma, learned counsel for the applicant, on last occasion submitted that as per his information, no case has been registered, but the applicant is being searched by police. In view of the submission of Mr. Sarma, the learned Additional Public Prosecutor was asked to obtain a written report from the Officer-in-charge of Baihata Chariali P.S., as to whether any case has been registered against the present applicant or not.

4. Today, Mr. B. Sarma, learned Additional Public Prosecutor has produced a written report from the Officer-in-charge of Baihata Chariali P.S. before this Court and submits that no case has been registered against the present applicant and no search has been conducted against him.

5. In view of the report submitted by the Officer-in-charge of Baihata Chariali P.S., this application becomes infructuous as no case has been registered and as such, there is no apprehension of arrest, and accordingly, the same stands closed.

6. The report submitted by Mr. B. Sarma, learned Additional Public Prosecutor shall be made part of the record.

JUDGE

Comparing Assistant