

GAHC010068312024



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

Case No. : I.A.(CrI.)/308/2024

FALANI BEGUM,
WIFE OF LATE SAHANUR ALI, RESIDENT OF VILL-DEURIKUCHI, PS-
BARPETA, DIST. - BARPETA, PINCODE-781314, ASSAM

2: AJARUL HOQUE
S/O LATE SAHANUR ALI
RO VILL- DEURIKUCHI
P.S. BARPETA

DIST. BARPETA
ASSAM
PIN-781314

3: ABIDA BEGUM
W/O TOJAMMEL HUSSAIN
D/O LATE SAHANUR ALI
R/O VILL- DEURIKUCHI
P.S. BARPETA

DIST. BARPETA
ASSAM
PIN-781314

4: JEHERUL HOQUE
S/O LATE SAHANUR ALI
R/O VILL- DEURIKUCHI
P.S. BARPETA

DIST. BARPETA
ASSAM
PIN-781314

5: MONUWARA BEGUM
D/O LATE SAHANUR ALI

R/O VILL- DEURIKUCHI

P.S. BARPETA

DIST. BARPETA

ASSAM

PIN-781314

6: TOJAMMEL HUSSAIN

S/O LATE TAHER ALI

R/O VILL- TEDHARA

P.S. MANDIA

DIST. BARPETA

ASSAM

PIN-78130

VERSUS

THE STATE OF ASSAM,

REP. BY PP ASSAM.

Advocate for the Petitioner : MS DIPTI PATHAK

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

05.04.2024

Heard Mr. R. De, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application praying for extension of time for appearing before the Investigating Officer in terms of the order dated 18.03.2024 passed by this Court in AB No.706/2024.

It is submitted by the learned counsel for the petitioners that as per this Court

order dated 18.03.2024, the accused/petitioners appeared before the IO on 21.03.2024 for recording their statements and also handed over the certified copy of the order passed by this Court in AB No.706/2024. But, the IO asked the accused/petitioners to wait for some time as he had some urgent matter and thereafter, they also approached before the IO on 22.03.2024, 23.03.2024 and 24.03.2024, but the IO did not receive the certified copy of the said order and also did not record their statement. Thus, having no other alternative they also approached before the Officer-in-Charge of Barpeta Police Station on 25.03.2024 with an application and requested him to do the needful, but, he even declined to received the same. Hence, the instant interlocutory application has been filed praying for extension of time for recording the statement of the accused/petitioners in pursuant to the order dated 18.03.2024 passed in AB Case No.706/2024. He further submits that the accused/petitioners are ready and willing to appear before the IO and co-operate with the investigation of the case, however, due to non receipt of the certified copy by the IO, they could not record their statements before the IO.

In this regard, Mr. Borthakur, learned Additional Public Prosecutor has submitted that 1(one) week time may be given to the accused/petitioners to appear before the IO.

Considering the submissions made by the learned counsels for both sides and also considering the entire aspect of the case, I find appropriate to allow the prayer made by the accused/petitioners. Further, all the accused/petitioners are hereby directed to appear before the IO within 7 (seven) days from the date of order in pursuant to the order passed in AB.706/2024.

With above observation, this interlocutory application stands disposed of.

JUDGE

Comparing Assistant