

GAHC010076362024



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

Case No. : WP(C)/2195/2024

BHABAKRISHNA BARMAN
SON OF LATE PRAFULLA BARMAN
RESIDENT OF AEI ROAD
NEAR INDRADHANU SANGHA
AMIYA NAGAR
CHANDMARI
GUWAHATI- 781003
KAMRUP (M)
ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY COMMISSIONER AND SECETARY
HOME DEPARTMENT
GOVT. OF ASSAM
DISPUR
GUWAHATI- 781006

2:THE DIRECTOR GENERAL OF POLICE
HEADQUARTER
ULUBARI
GUWAHATI- 781007

3:THE ADDITIONAL DIRECTOR GENERAL OF POLICE (SB)
ASSAM
KAHILIPARA
GUWAHATI- 7810
4:THE COMMISSIONER OF POLICE
GUWAHATI
KAMRUP (M)
GUWAHATI- 781001

Advocate for : MR. P K ROYCHOUDHURY
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : WP(C)/2087/2024

MD. ANOWAR HUSSAIN
S/O- LT. JABBAR ALI

RESIDENT OF SANIADI

P.O.- SANIADI
P.S.- HAJO

DISTRICT- KAMRUP(R)
ASSAM.

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM

HOME DEPARTMENT
DISPUR
GUWAHATI-6.

2:THE DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GUWAHATI- 7.

3:THE ADDITIONAL DIRECTOR GENERAL OF POLICE (SECURITY)
ASSAM
GUWAHATI.

4:THE DEPUTY COMMISSIONER
KAMRUP(R)
ASSAM
AMINGAON.

5:THE SUPERINTENDENT OF POLICE
KAMRUP(R)
ASSAM.

6:THE OFFICER-IN-CHARGE
HAJO POLICE STATION
KAMRUP(R)
ASSAM.

7:STATE SECURITY REVIEW COMMITTEE
REPRESENTED BY CHAIRMAN-CUM-ADDITIONAL CHIEF SECRETARY TO
THE GOVERNMENT OF ASSAM

HOME AND POLITICAL DEPARTMENT

DISPUR
GUWAHATI-6.

Advocate for : MR. J I BORBHUIYA
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 6 ORS.

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 19.07.2024

Heard Mr. P.K. Roychoudhury, learned counsel for the petitioners. Also heard Mr. D. Nath, learned Senior Government Advocate.

This Court by the earlier order dated 19.06.2024, upon perusal of the minutes of the State Security Review Committee placed before the Court in sealed cover by the learned Senior Government Advocate held that the SSRC i.e., State Security Review Committee in its minutes held that there is no threat perception on the materials placed before the committee, which falls for security cover of the writ petitioners.

At that stage, this Court permitted the respondents to place the materials, on the basis of which SSRC came to a conclusion that there is no threat perception against the writ petitioners.

Today, the learned Senior Government Advocate has placed before the Court in sealed cover the threat assessment report submitted by the Commissioner of Police, Assam, Guwahati on the basis of the information

collected, as reflected in the threat assessment report to show that that Commissioner of Police has given a report that no specific threat was found against the writ petitioner and therefore, the withdrawal of the existing PSO was recommended.

The learned counsel for the petitioner submits that threat perception is a dynamic concept, and, therefore, the situation which was reviewed by the SSRC may not be used as a basis for making threat perception, which may be faced by the writ petitioner in the future. He submits that this Court may direct the respondents to look into such complaints or apprehensions expressed by the petitioner in respect of his personal safety and security before the respondents authority, more particularly, the local police station thereafter give a fresh consideration to such threats or apprehensions that may be faced by the writ petitioner in the future.

The submissions of counsel for the petitioner are not objected to by the learned Senior Government Advocate. Accordingly at this stage this Court find it appropriate to close the present writ petition giving the liberty to the writ petitioner to approach the respondents authorities including the Commissioner of Police/ jurisdictional Superintendent of Police in the event the petitioner faces fresh threat or apprehension of injury to his life and limb in the future.

In the event, any such complaints are raised by the writ petitioner the respondent authorities will make a fresh assessment of such threats that may be faced by the petitioner and thereafter pass necessary orders for issuance of personal security, if required.

The respondents will not rely on the threat perception reports placed before this Court to pass such orders as may be called for in respect of such

threats as may be received by the writ petitioner in the future.

In terms of the above direction, the writ petition stands closed and stands disposed of.

Interim order, if any, shall vacated.

JUDGE

Comparing Assistant