

GAHC010086882021



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

Case No. : WP(C)/2970/2021

BASAPI KROPI
W/O SARTHE RONGHANG
RESIDENT OF KUDAM RONGHANG GAON, PO AMTERANG, PS
BAITHALANGSO, DIST WEST KARBI ANGLONG, ASSAM, 782450

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, HOME
DEPARTMENT, DISPUR GUWAHATI 781006

2:THE UNION OF INDIA

THROUGH THE SECRETARY TO THE GOVT. OF INDIA
MINISTRY OF HOME
NEW DELHI

3:THE DIRECTOR GENERAL OF POLICE

ASSAM
GUWAHATI

4:THE SUPERINTENDENT OF POLICE
NAGAON DISTRICT

5:THE OFFICER IN CHARGE
RAHA POLICE STATION
NAGAON

6:THE DEPUTY COMMISSIONER

NAGAON
ASSAM

7:THE SUPERINTENDENT OF POLICE
HAMREN
WEST KARBI ANGLONG
ASSA

For the petitioner (s) : Mr. B. K. Mahajan, Advocate

Mr. D. Bora, Advocate

For the respondent (s) : Mrs. U. Das, Addl. Sr. Govt. Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

02.02.2024

Heard Mr. B. K. Mahajan, the learned counsel appearing on behalf of the petitioner who submits that charge sheet No.79 dated 20.06.2021 has already been submitted whereby the accused persons have been charge sheeted under Sections 120(B)/302 of the IPC read with Sections 3 (w) (i)/3w(ii) of the Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 and read with Section 14 of the Child Labour Prohibition and Regulation Act. He however submitted that pursuant to the submission of the charge sheet, the proceedings have been registered as Special (SC/ST) Case No.01(N)/21 and is presently pending before the Special Judge, Nagaon.

2. The learned counsel for the petitioner further submitted that although it is the mandate of proviso to Sub-Section (3) of Section 14 of the Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 to complete the trial as far as possible within a period of two months from the date of filing of the charge sheet, almost 3 ½ years have passed by but till

date there has been no culmination and the trial proceedings is still going on.

3. This Court has also taken note that the instant writ petition was filed primarily complaining about the delay of investigation in connection with Raha P.S. Case No.97/2021 and for ancillary reliefs. The said investigation had culminated and on the basis thereof, charge sheet was filed on 20.06.2021. Therefore, in the opinion of this Court nothing further survives in the instant writ petition, more so taking into account the contents of the charge sheet in question.

4. Accordingly, the instant writ petition stands closed as it has become infructuous.

5. Before parting with the record, this Court however duly taking note of the submission of Mr. B. K. Mahajan, the learned counsel for the petitioner observes that it is the mandate of law in terms with the proviso to Sub-Section (3) of Section 14 of the Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 to complete the trial as far as possible within a period of two months from the date of submission of the charge sheet. It has been stated at the bar that the trial proceedings is still going on. In the present proceedings, this Court would not like to pass any order issuing directions. However, grants the liberty to the petitioner to request the Special Judge, Nagaon to take appropriate steps so that the proceedings being Special (SC/ST) Case No.01(N)/21 is decided at the earliest as per the mandate of law.

JUDGE