

GAHC010114492024



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

Case No. : W.P.(Crl.)/19/2024

MD. NAIM UDDIN AHMED
SON OF LATE AKBAR ALI, VILLAGE- NO.2 BEZPARA, P.S. MANGALDAI,
DISTRICT- DARRANG, ASSAM, PIN- 784529

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM, HOME DEPARTMENT, DISPUR, GUWAHATI, PIN- 781006

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI
PIN- 781006

3:THE DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GUWAHATI
PIN- 781007

4:THE SUPERINTENDENT OF POLICE
DARRANG
DIST.- DARRANG
ASSAM
PIN- 78452

5:THE OFFICER-IN-CHARGE
MANGALDAI POLICE STATION
P.O. AND P.S. MANGALDAI
DISTRICT- DARRANG

ASSAM
PIN- 784529

6:DARAJUL ALI (MONI)
SON OF FARID UDDIN AHMED
VILLAGE- CHAMUAPARA
P.S. MANGALDAI
DIST.- DARRANG
ASSAM
PIN- 78452

Advocate for the Petitioner : MR. A M AHMED

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 26-06-2024
(Suman Shyam, J)

Heard Mr. A.M. Ahmed, learned counsel for the writ petitioner.

Mr. P. Sarma, learned Govt. Advocate, Assam has obtained instruction as per order dated 14-06-2024 passed by this Court and produced the same for perusal by this Court.

A perusal of the instruction furnished by the Superintendent of Police, Darrang, Mangaldai, *prima-facie*, goes to show that although an FIR has been received against the petitioner, yet, no police case has been registered against him till today. The written instructions/ para-wise comments further reflects that preliminary enquiry is going on so as to ascertain, as to whether, any cognizable offence is made out from the FIR and therefore, until the matter is ascertained, Mr. Sarma submits that no further action is contemplated against the petitioner in this case at this stage.

In view of the above and considering the fact that this writ petition is based merely on apprehension of arrest without following due process of law, we are of the view that no further order is called for in this proceeding, save and except, providing that action, if any,

proposed against the petitioner, shall be initiated strictly in accordance with law.

With the above observation, this writ petition stands closed.

Copy of the instruction dated 24-06-2024 furnished by the Superintendent of Police, Darrang, Mangaldai be retained in the record of this case.

JUDGE

JUDGE

GS

Comparing Assistant