

GAHC010122052012



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

Case No. : WP(C)/4171/2012

BABA CHAND SINGHA
S/O- LT. BABADHAN SINGHA, R/O VILL.- GOSAIPUR PART- III
MOINARBOND, P.O.- GOSAIPUR, P.S.- UDARBONBD, DIST.- CACHAR,
ASSAM, PIN-

VERSUS

THE STATE OF ASSAM and ORS.
REP. BY THE SECY. TO THE GOVT. OF ASSAM, DEPTT., OF HOME, DISPUR,
GHY- 6, PIN- 781006.

2:THE DIRECTOR GENERAL OF POLICE
GOVT. OF ASSAM
ULUBARI
GHY- 7
PIN- 781007.

3:THE SUPERINTENDENT OF POLICE
CACHAR
SILCHAR
PIN- 788001.

4:THE DY. COMMISSIONER
CACHAR AT SILCHAR
DIST.- CACHAR
ASSAM
PIN- 788001.

5:THE OFFICER IN-CHARGE
LAKHIPUR POLICE STATION
CACHAR
ASSAM

PIN- 788103.

6:THE INVESTIGATING OFFICER
LAKHIPUR POLICE STATION
CACHAR
ASSAM
PIN- 788103.

7:THE OFFICER-IN-CHARGE

PARAM PATH POLICE STATION
EAST IMPHAL
MANIPUR. PIN - 795010

Advocate for the Petitioner : MR.J A AHMED

Advocate for the Respondent : MS.J BORGOHAIN

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

18.04.2024

Heard Shri A.K. Purkayastha, learned counsel for the petitioner. Also heard Shri N. Goswami, learned State Counsel.

2. At the outset, Shri Purkayastha, learned counsel for the petitioner has submitted that the petitioner has passed away during the pendency of this case and the subject matter which was sought to be raised in this writ petition is such that there may not be requirement of any further substitution. This Court has also been informed that in fact the wife of the petitioner Smt. Monorama Singha had filed an application for impleadment, who however has also submitted that she does not want to proceed in the case.

3. The issue raised was with regard to two minor children of whom the petitioner claimed to be the *de facto* guardian. The allegation is of kidnapping of

the two children when the petitioner was fetching them from their boarding school after completion of the examination on 07.07.2012. It is also submitted that in that regard Lakhipur PS Case No. 190/2012 under Sections 366(A) / 506 / 323 / 34 of the IPC was lodged in which the investigation was carried out.

4. When the subsequent development of the demise of the petitioner and the disinclination of his wife to continue with the proceeding, this Court vide an order dated 14.08.2023 had directed for furnishing an up-to-date report of the investigation and had also requested Shri Purkayastha, learned counsel to act as an Amicus Curiae.

5. Pursuant to the said order, the concerned Superintendent of Police, Cachar district has issued a communication dated 30.10.2023 to the learned Government Advocate which has already been made a part of the records as 'Flax-X'.

6. A perusal of the report would show that neither the victim children nor the accused persons have been able to be traced out. However, it has been gathered that the two minor children were staying with their natural parents in the jurisdiction of Parampath P.S. Imphal East, Manipur and had thereafter changed their locality.

7. Taking into consideration the aforesaid facts and circumstances and also the materials collected that the two children were staying with their parents, this Court is of the opinion that there is no requirement to further continue with this writ petition and the same is accordingly closed. However, closure of this writ petition should not be construed to mean a closure of the investigation which is directed to be completed and brought to a logical conclusion by

submission of a Final Form under Section 173 of the Code of Criminal Procedure.

JUDGE

Comparing Assistant