

GAHC010158722024



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

Case No. : WP(C)/4070/2024

SHARIFUL ISLAM
S/O- LT. AHIR UDDIN, VILLAGE- BORSOLA NO. 2, P.S. NORTH LAKHIMPUR,
DIST.- LAKHIMPUR, PIN- 787031

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM HOME DEPARTMENT, DISPUR, GUWAHATI-6

2:THE DIRECTOR GENERAL OF POLICE
ASSAM POLICE
P.O. AND P.S. ULUBARI
GUWAHATI
DIST- KAMRUP (M)
ASSAM
PIN- 781007

3:THE SUPERINTENDENT OF POLICE
LAKHIMPUR DISTRICT
NAKARI ROAD
NORTH LAKHIMPUR
ASSAM
PIN- 787001

4:THE OFFICER-IN-CHARGE OF NORTH LAKHIMPUR POLICE STATION
NAKARI ROAD
NORTH LAKHIMPUR
ASSAM
PIN- 787001

5:THE INVESTIGATION OFFICER OF GR NO. 204/24

(CORRESPONDING TO BIHPURIA POLICE STATION CASE NO.- 50/2024)
NORTH LAKHIMPUR POLICE STATION
NAKARI ROAD
NORTH LAKHIMPUR
ASSAM
PIN- 78700

For the petitioner (s) : Mr. A. T. Sarkar, Advocate

For the respondent (s) : Mr. H. Sarma, Govt. Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

14.08.2024

Heard Mr. A. T. Sarkar, the learned counsel appearing on behalf of the petitioner and Mr. H. Sarma, the learned Government Advocate appearing on behalf of the respondents.

2. The instant writ petition has been filed by the petitioner seeking a writ in the nature of mandamus directing the respondent Nos.4 & 5 to conduct an effective investigation of the case in connection with Bihpuria Police Station Case No.50/2024, registered under Sections 366/376 of the IPC read with Section 4 of the POCSO Act.

3. This Court has duly taken into account the judgment of the Supreme Court in the case ***Sakiri Vasu vs. the State of Uttar Pradesh and Others***, reported in **(2008) 2 SCC 409** wherein the Supreme Court deprecated the manner of entertaining the writ petition when the complainant can very well invoke the remedies available under Section 156 (3) of the Code of Criminal Procedure, 1973.

4. Taking into account the above, this Court is also not inclined to

entertain the instant writ petition. However, liberty is granted to the petitioner to approach the concerned jurisdictional Magistrate under Section 156 (3) of the Code of Criminal Procedure, 1973, if the petitioner is aggrieved with the manner in which the investigation is carried out.

JUDGE

Comparing Assistant