

GAHC010163522024



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

Case No. : WP(C)/4146/2024

PHANIDHAR RAJBONGSHI
S/O- LT. SURENDRA NATH RAJBONGSHI,
R/O- VILL. SUKEKUCHI,
P.O.- SOLAMARA,
P.S.- BELSOR,
DIST.- NALBARI, ASSAM,
PIN- 781338.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY-
THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM,

HOME (A) DEPT., DISPUR, GUWAHATI- 781006,
DIST.- KAMRUP(M), ASSAM.

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

DIST.- KAMRUP(M)
ASSAM.

3:THE SUPERINTENDENT OF POLICE
NALBARI
ASSAM.

4:THE OFFICER-IN-CHARGE
BELSOR POLICE STATION
DIST.- NALBARI

ASSAM.

5:THE UNION OF INDIA
THROUGH THE SECRETARY

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

NEW DELHI- 110003.

6:THE CENTRAL BUREAU OF INVESTIGATION
THROUGH ITS DIRECTOR

PLOT NO.- 5/B
6TH FLOOR
CGO COMPLEX

LODHI ROAD
JAWAHARLAL NEHRU STADIUM MARG

P.O. AND P.S.- LODHI ROAD
NEW DELHI

DELHI- 110003

Advocate for the Petitioner : MR. K KALITA, MS. H BEGUM,MR. B. DAS

Advocate for the Respondent : GA, ASSAM, SC, CBI

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

11.09.2024

1. Heard Mr. K. Kalita, learned counsel for the petitioner. Also heard Mr. B. Goswami, learned Additional Advocate General Assam appearing on behalf of the respondent Nos. 1, 2, 3 and 4.
2. The case of the petitioner is that the brother of the petitioner was killed and in

that regard an FIR was lodged being Belsor P.S. Case No. 202/2023 which was registered under Section 364/120(B)/302 of IPC. Raising a grievance that investigation was not proceeded in the manner in which it should have been done, the petitioner had earlier approached the concerned jurisdictional Judicial Magistrate under Section 156(3) of the Code of Criminal Procedure, 1973 and the learned Magistrate directed the I.O. of the case to expedite the investigation and submit Final Form as early possible. Being dissatisfied with the conduct of the investigating authority, in not following the orders of the Judicial Magistrate, the present writ petition is filed.

3. This Court vide order dated 19.08.2024, directed the respondent No. 4 to submit a status report and also to apprise this Court as to how much time would be required for completion of the investigation.
4. Mr. Goswami, learned Additional Advocate General Assam has produced the case diary as well as the status report.
5. Without commenting on the merit of investigation and the result thereof, which might have a bearing on the subsequent proceeding, this Court is of the considered opinion that the investigation has been done in a manner, it is required to be done and therefore, this writ petition can be closed inasmuch as status report reflects that the investigation is almost at the final stage, FSL report has been obtained, the statement of witnesses have been recorded, one of the accused person was arrested and call record of one of the accused has also been traced.
6. Accordingly, in the considered opinion of this Court, there should not be any grievance of the petitioner as regards the investigation at this stage subject to the Final Form that may be submitted by the investigating authority.
7. Accordingly, the present writ petition stands closed.

8. While parting with the record, it is clarified that the petitioner shall be at liberty to raise his grievance as per law and at appropriate time against the Final Form that may be submitted by the investigating authority, if necessity arises.
9. The case diary is returned back to Mr. Goswami, learned Additional Advocate General Assam.
10. The status report is kept on record and marked as document "X".

JUDGE

Comparing Assistant