

GAHC010217452024



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

Case No. : AB/2755/2024

ASHOK GHOSE
S/O LATE HARILAL GHOSE, R/O VILL- WARD NO. 3, DHEKIAJULI, P.S.-
DHEKIAJULI, DIST- SONITPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S BISWAS, MS D DEVI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

Date : 08/11/2024

Heard Shri S. Biswas, learned counsel for the petitioner. Also heard Shri K.K. Das, learned APP, Assam, who has produced the case diary pursuant to the order dated 08/10/2024.

Shri Biswas, learned counsel has submitted that in the FIR, only an apprehension was raised regarding the involvement of the petitioner. He has also submitted that as per information received, the nature of the injuries and the description of the alleged weapons do not match with the medical report. The aspect of granting of an interim order vide order dated 08/10/2024 has also been

highlighted by the learned counsel, pursuant to which, he has appeared and his statement has been recorded.

Shri Das, learned APP, Assam, has however, submitted that though only an apprehension was raised in the FIR regarding the involvement of the present petitioner, the informant in his statement recorded under section 161 of the Cr.P.C., presently 180 of the BNSS, had stated the presence of the petitioner at the place of occurrence during the assault. He, however, fairly submits that in the medical report, simple injuries have been detected by use of blunt weapon.

After consideration of the facts and circumstances and also the materials on record in the case diary including the medical report, this Court is of the opinion that custodial interrogation of the petitioner may not be required. This Court has also noted that the petitioner has already appeared pursuant to the order dated 08/10/2024.

In view of the above, this petition stands allowed and the interim order passed on 08/10/2024 is made absolute.

The conditions, which were imposed vide the order dated 08/10/2024 will, however, remain in operation except the condition no.1.

JUDGE

Sukhamay

Comparing Assistant