

GAHC010221732023



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

Case No. : AB/3363/2023

TRIDIV CHOWDHURY
S/O LT. SAMARENDRA CHOUDHURY R/O HOUSE NO. 20 UDAY PATH ZOO
ROAD GUWAHTI DIST KAMRUP M ASSAM PIN 781024

VERSUS

THE STATE OF ASSAM
REP .BY THE PP, ASSAM

Advocate for the Petitioner : MR J DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

01.04.2024

Heard Mr. D. Das, learned Senior Counsel, assisted by Mr. T. Chakraborty, learned counsel for the petitioner. Also heard Mr. K.K. Das, learned Additional Public Prosecutor, appearing for the State of Assam, who submitted that the case diary which was called for has not arrived. He has also submitted that no

explanation has been given by the Investigating Officer for not furnishing the case diary.

It appears from the record that today is the fourth occasion, when the prosecution site was requested to produce the case diary. However, it also appears from record that by order dated 29.09.2023, the petitioner, Shri Tridiv Chowdhury, was allowed to go on interim anticipatory bail by this court with certain conditions.

Learned Senior Counsel for the petitioner has submitted that in pursuant to the directions of this court, the petitioner has appeared before the Investigating Officer and has co-operated in the investigation.

Learned Additional Public Prosecutor has submitted that the office of the public prosecutor has sent requisition and reminders on four occasions to the Investigating Officer. However, the said has not been replied to by the Investigating Officer.

In view of repeated failure of the prosecution site to produce the case diary as well as in view of the fact that the petitioner has complied with the directions of this court and has co-operated in the investigation, the interim bail granted to the petitioner, by order dated 29.09.2023 by this court is hereby made absolute with condition No. 1 and 2 attached to the said order remaining intact.

With the above observation, this anticipatory bail application is hereby disposed of.

JUDGE

Comparing Assistant