

GAHC010228022016



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

Case No. : WP(C)/1702/2016

SANTOSH KUMAR KOIRI
S/O SRI BHARAT KOIRI R/O VILL- KUNKUN BASTI, P.O. LALAMUKH, P.S.
LALA DIST. HAILAKANDI, ASSAM.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY ITS COMMISSIONER AND SECRETARY, DEPARTMENT OF HOME,
DISPUR, GUWAHATI -6.

2:THE DIRECTOR GENERAL OF POLICE

ASSAM
ULUBARI
GUWAHATI-7.

3:THE ADDITIONAL DIRECTOR GENERAL OF POLICE

PROSECUTION ASSAM
ULUBARI
GUWAHATI-7.

4:THE SUPERINTENDENT OF POLICE

DISTRICT- HAILAKANDI
ASSMA
PIN - 788151.

5:THE CIRCLE INSPECTOR OF POLICE

LALA
DIST. HAILAKANDI
ASSAM

PIN - 788151

6:THE OFFICER-IN-CHARGE

LALA POLICE STATION
LALA DIST. HAILAKANDI
ASSAM
PIN - 788151

For the Petitioner(s) : Mr. S. K. Singha, Advocate

For the Respondent(s) : None appears.

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 12.02.2024

1. The instant writ petition has been filed by the Petitioner being aggrieved in the manner in which the Respondents and more particularly the Respondent No.6 who is the Officer-in-Charge of Lala Police Station in the District of Hailakandi was carrying out the investigation in connection with Lala P.S. Case No.70/2016 registered under Section 379/427/447/34 of the Indian Penal Code.
2. This Court upon perusal of the materials on record finds it relevant to observe that as the Petitioner herein is aggrieved in the manner in which the investigation has been carried out, it is the opinion of this Court that the Petitioner would be well advised to proceed under Section 156(3) of the Code of Criminal Procedure, 1973. Furthermore, in view of the judgment of the Supreme Court in the case of ***Sakiri Vasu Vs. State of Uttar Pradesh and Others*** reported in ***(2008) 2 SCC 409***, the Petitioner therefore ought to have approached the concerned Magistrate having jurisdiction over the Police Station in question by

filing an application under Section 156(3) of the Code rather than filing the instant writ petition.

3. Taking into account the above, this Court is not inclined to issue a writ in the instant proceedings. However, liberty is given to the Petitioner to approach the concerned Chief Judicial Magistrate, Hailakandi, if the Petitioner is still aggrieved by the manner in which the investigation has been carried out in Lala P.S. Case No.70/2016.

4. In view of the above, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant