

GAHC010233602024



undefined

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

Case No. : WP(C)/5915/2024

ANITA DAS
DAUGHTER OF LATE SHRIHARI DAS,
RESIDENT OF BLOCK A4, PPAMS HOUSING APARTMENT,
HOUSE NO. 106, P.O.- LACHIT NAGAR,
P.S.- PALTAN BAZAR, DISTRICT- KAMRUP(M),
GUWAHATI-07.

VERSUS

THE STATE OF ASSAM AND 6 ORS
THROUGH, THE SECRETARY TO THE GOVT. OF ASSAM,
HOME (A) AND POLITICAL AFFAIRS DEPARTMENT,
DISPUR, GUWAHATI-06.

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

3:THE INSPECTOR GENERAL OF POLICE (ADMINISTRATION)
ASSAM
ULUBARI
GUWAHATI- 781007.

4:THE COMMISSIONER OF POLICE
KAMRUP METRO
NEAR MEGHDOOT BHAWAN

KAMRUP(M)
ASSAM
PIN- 781001.

5:THE OFFICER IN CHARGE PALTAN BAZAR POLICE STATION

KAMRUP METRO
ASSAM
GUWAHATI -781007.

6:PEOPLE FOR ANIMALS (NGO)
H.Q. 14
ASHOKA ROAD
JANTAR MANTAR ROAD
NEW DELHI- 110001.

7:INDIRA AMMA
CHAIRMAN (PFA) PEOPLE FOR ANIMALS
SIX MILE
VIP ROAD
BORBARI
DISTRICT- KAMRUP METRO
ASSAM
GUWAHATI- 781037

Advocate for the Petitioner : MR. S C BISWAS, MS. K L R YANTHAN,MS. J GHOSH,MS. S DEVI,MRS. R RONGMEI

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 25.11.2024

- 1)** Heard Mr. S. C. Biswas, learned counsel for the petitioner. Also heard Mr. N. Goswami, learned Government Advocate appears for the respondents.
- 2)** The prayer made in the writ petition seeking a direction to the respondent authorities to cause proper investigation in respect of the FIR filed by the petitioner and the same is registered as Paltan Bazar P.S. Case No.61/2024 under Sections 448/294/429/259/506/34 of the Indian Penal Code and for adequate compensation to the petitioner for causing death over pet dog by the respondent authority.

3) It is submitted by Mr. N. Goswami, learned Government Advocate that in connection to the Paltanbazar P.S. Case No.61/2024 pursuant to investigation final report being Paltanbazar P.S. FR No.141 dated 24.07.2024 has been submitted by the Investigating Officer. The learned Government Advocate submits that although final report filed and there is no instruction whether the said has been accepted by the competent Court.

4) In view of the submissions made by the learned Government Advocate and the instructions placed before this Court, since a final report has been filed and there is no instruction as to whether the same has been accepted by the competent Court, it is open to the petitioner to approach the Court of competent criminal jurisdiction before which the final report has been filed and take necessary steps in that regard.

5) In so far as the prayer for compensation is concerned, unless there is a finding evident from the investigation conducted that any or all of the respondents were responsible for willfully causing death to the pet dog of the petitioner and the question of compensation were not determined as on date.

6) Accordingly, the petitioner is granted liberty to pursue his remedy before the competent Court of criminal jurisdiction.

7) However, at the request of learned counsel for the petitioner, at this stage, the writ petition stands dismissed on withdrawal, with liberty.

8) Copy of the instructions placed before the Court today by the learned Government Advocate is kept on record.

JUDGE

Comparing Assistant