

GAHC010248722019



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

Case No. : WP(C)/7604/2019

HEMA GOGOI
S/O- LT JIBESHWAR GOGOI, R/O- MORAN, PIOLINAGAR, P.O. AND P.S.
MORAN, DIBRUGARH- 785669, ASSAM, PH. NO. 9435132788

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, HOME DEPTT.,
DISPUR, GHY-06

2:THE SUPERINTENDENT OF POLICE
DIBRUGARH
DIST- DIBRUGARH
PIN- 786001
ASSAM

3:THE OFFICER-IN-CHARGE
MORAN P.S.
MORAN
DIST- DIBRUGARH
PIN- 785669
ASSAM

4:THE INVESTIGATING OFFICER
MORAN P.S. CASE NO 190/2019
MORAN P.S.
MORAN
DIST- DIBRUGARH
PIN- 785669
ASSA

Advocate for the Petitioner : MR. B D KONWAR SR. ADV., MS. M K BROWN,MR. R KALITA

Advocate for the Respondent : GA, ASSAM,

BEFORE

THE HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

Order

11.09.2024

1. Heard Mr. J Singh, learned counsel for the petitioner.
2. The present application is filed seeking a protection from arrest in connection with Moran PS case No. 190/2019 registered under Section 325/153(A)/427/500/506 IPC read with Section 25(1A) of the Arms Act, 1953 read with Section 3(1)(x) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989.
3. The present writ petition is filed on the backdrop that no anticipatory bail can be granted under the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989. This court under its order dated 15.05.2020 after considering the matter granted protection to the petitioner to the effect that no coercive action shall be taken against the petitioner with condition that the petitioner shall remain present before the authority. It is submitted that pursuant to the aforesaid order, the petitioner had appeared before the investigation authority and recorded his statement.
4. The learned State counsel on instruction submits that they may not require the custody of the petitioner in connection with the Moran PS case No. 190/2019 registered under Section 325/153(A)/427/500/506 IPC read with Section 25(1A)

of the Arms Act, 1953 read with Section 3(1)(x) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989.

5. Though a question of maintainability of this writ petition has been raised, however, considering the matter that the petitioner was granted interim protection on 15.05.2020 and he had appeared before the authority and recorded his statement keeping the legal question open, this writ petition required stands closed in terms of the interim order dated 15.05.2020 subject to the condition that the petitioner shall appear before the investigating officer once again and he shall not temper with any evidence or influence any witnesses in the case.
6. However, it is provided that if the investigating authority requires his presence for further investigation, the petitioner shall appear before it and co-operate with the investigating officer.

JUDGE

Comparing Assistant