

GAHC010309062019



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

Case No. : WP(C)/9282/2019

JAYANTA BARUAH
S/O- LATE DEBANANDA BARUAH, R/O- MOTHER TERESA ROAD, GHY- 21,
DIST- KAMRUP (M), ASSAM

VERSUS

THE UNION OF INDIA AND 6 ORS
REP. BY THE SECRETARY TO THE MIN OF HOME AFFAIRS, NEW DELHI- 01

2:THE STATE OF ASSAM
REP. BY THE CHIEF SECRETARY TO THE GOVT OF ASSAM
DISPUR
GHY- 06

3:THE DGP
ASSAM
ULUBARI
GUWAHATI- 07

4:THE CBI
REP. BY ITS DIRECTOR
5/B
6TH FLOOR
LODHI ROAD
JAWAHARLAL NEHRU STADIUM MARG
CGO COMPLEX
NEW DELHI- 110003

5:THE JOINT DIRECTOR
CBI
KOLKATA DF BLOCK SECTOR-I
CGO COMPLEX

SALT LAKE
KOLKATA- 700064

6:THE SP
CBI
ECONOMIC OFFENCES- IV
DF BLOCK
SECTOR 1
CGO COMPLEX
SALT LAKE
KOLKATA- 700064

7:THE INSPECTOR OF POLICE
CBI ECONOMIC OFFENCES IV
DF BLOCK
SECTOR 1
CGO COMPLEX
SALT LAKE
KOLKATA- 70006

Linked Case : WP(C)/9285/2019

SADANANDA GOGOI
S/O-LATE DHIREN GOGOI
R/O- 848
DR. ZAKIR HUSSAIN ROAD
MOTORIA
HENGRABARI
GUWAHATI- 36
DIST- KAMRUP(M)
ASSAM

VERSUS

THE UNION OF INDIA AND 6 ORS
REP. BY THE SECRETARY TO THE MIN OF HOME AFFAIRS
NEW DELHI- 01

2:THE STATE OF ASSAM
REP. BY THE CHIEF SECRETARY TO THE GOVT OF ASSAM
DISPUR
GHY- 06

3:THE DGP
ASSAM

ULUBARI
GUWAHATI- 07

4:THE CBI
REP. BY ITS DIRECTOR
5/B
6TH FLOOR
LODHI ROAD
JAWAHARLAL NEHRU STADIUM MARG
CGO COMPLEX
NEW DELHI- 110003

5:THE JOINT DIRECTOR
CBI
KOLKATA DF BLOCK SECTOR-I
CGO COMPLEX
SALT LAKE
KOLKATA- 700064

6:THE SP
CBI
ECONOMIC OFFENCES- IV
DF BLOCK
SECTOR 1
CGO COMPLEX
SALT LAKE
KOLKATA- 700064

7:THE INSPECTOR OF POLICE
CBI ECONOMIC OFFENCES IV
DF BLOCK
SECTOR 1
CGO COMPLEX
SALT LAKE
KOLKATA- 700064

Linked Case : WP(C)/9450/2019

JAYANTA BARUAH
S/O- LATE DEBANANDA BARUAH
R/O- MOTHER TERESA ROAD
GUWAHATI- 21
DIST- KAMRUP (M)
ASSAM

VERSUS

THE UNION OF INDIA AND 9 ORS
REP. BY THE SECRETARY TO THE MIN OF HOME AFFAIRS
NEW DELHI- 01

2:THE STATE OF ASSAM
REP. BY THE CHIEF SECRETARY TO THE GOVT OF ASSAM
DISPUR
GUWAHATI- 06

3:THE DGP
ASSAM
ULUBARI
GUWAHATI- 07

4:DIRECTORATE OF ENFORCEMENT
LOK NAYAK BHAWAN
6FLOOR
KHAN MARKET
NEW DELHI 110003 REP. BY THE ED

5:SPECIAL DIRECTOR
ED (EASTERN REGION)
CGO COMPLEX
3RD MSO BUILDING
6TH FLOOR
DF BLOCK
SALT LAKE
KOLKATA- 700064

6:ASSISTANT DIRECTOR (PMLA)
ED
EASTERN REGION
CGO COMPLEX
3RD MSO BUILDING
6TH FLOOR DF BLOCK
SALT LAKE
KOLKATA- 700064

7:THE CBI
REP. BY ITS DIRECTOR
5/B 6TH FLOOR
LODHI ROAD
JAWAHAR NEHRU STADIUM MARG
CGO COMPLEX
NEW DELHI- 110003

8:THE JOINT DIRECTOR
CBI
KOLKATA
DF BLOCK
SECTOR 1
CGO COMPLEX
SALT LAKE
KOLKATA- 700064

9:THE SP
CBI
ECONOMIC OFFENCES IV
DF BLOCK
SECTOR 1
CGO COMPLEX
SALT LAKE
KOLKATA- 700064

10:THE INSPECTOR OF POLICE
CBI
ECONOMIC OFFENCES IV
DF BLOCK
SECTOR1
CGO COMPLEX
SALT LAKE
KOLKATA- 700064

For the Petitioner(s) : Mr. K. P. Pathak, Advocate

For the Respondent(s) : Ms. A Gayan, CGC
: Mr. M. Haloi, CGC
: Ms. S. Boruah, Standing Counsel

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 30.07.2024

Heard Mr. K. P. Pathak, the learned counsel appearing on behalf of the Petitioners and Ms. A. Gayan, the learned CGC appearing on behalf of the Enforcement Directorate. I have also heard Ms. S. Baruah, the learned

Government Advocate appearing on behalf of the State Respondents and Mr. M. Haloi, the learned CGC appears on behalf of the Central Bureau of Investigation.

2. It is seen that WP(C) No.9282/2019 was filed challenging the notice dated 12.12.2019 whereby the Petitioner who is a resident of Guwahati was directed to appear on 13.12.2019 at 2:30 PM at Kolkata. Pursuant to the said notice issued, the Petitioner in WP(C) No.9282/2019 approached this Court by filing a writ petition and this Court vide an order dated 16.12.2019 has passed certain directions directing the Inspector of Police of the Central Bureau of Investigation who had issued the notice on 12.12.2019 to appear before this Court on 03.01.2020 and also gave the said Officer the liberty to question the Petitioner at Guwahati. It has been duly informed to this Court that the Petitioner thereupon was questioned by the said Officer and nothing further remains thereupon to the challenge made to the impugned notice.

3. It is also relevant to take note of that the Petitioner in WP(C) No.9285/2019 was also issued a notice on 12.12.2019 directing the Petitioner to appear on 13.12.2019 at 1 PM at Kolkata. This Court vide an order dated 16.12.2019 reiterated the same directions which were passed in WP(C) No.9282/2019 in its order dated 16.12.2019. It has also been submitted that in the meantime, the Petitioner in the instant writ petition had also been questioned by the Officer concerned and nothing further remains to the challenge made to the impugned notice.

4. It is also seen that on the very date on which this Court passed the order i.e. on 16.12.2019 in WP(C) No.9282/2019, the Assistant Director of the Enforcement Directorate had issued a summons to the Petitioner in

WP(C) No.9282/2019 and the Petitioner was directed to appear on 23.12.2019 at 11:30 AM. This notice was put to challenge by filing the writ petition being WP(C) No.9450/2019 and this Court vide an order dated 20.12.2019 had directed the Respondents not to insist for personal appearance of the Petitioner in the Office of the Respondent No.6 at Kolkata till 03.01.2020 and not to take any coercive action with regard to the summons dated 16.12.2019. The said interim order has been extended from time to time.

5. It has been submitted by the learned counsel for the Petitioners that in pursuance to those directions, the Petitioner through his authorized representative had submitted the documents which were sought for vide the summons dated 16.12.2019. It has also been submitted by Ms. A. Gayan, the learned CGC appearing on behalf of the Enforcement Directorate that the statement of the Petitioner in WP(C) No.9450/2019 have been recorded.

6. Taking into account that the notices both dated 12.12.2019 which were issued to the writ Petitioners in WP(C) No.9282/2019 and WP(C) No.9285/2019, the purpose have been duly served and nothing further remains in both the writ petitions, the said writ petitions have been rendered infructuous.

7. As regards the writ Petitioner in WP(C) No.9450/2019, in pursuance to the summons, the statement of the Petitioner have already been recorded and the documents have also been furnished for which nothing further remains to the challenge so made in the instant proceedings.

8. Accordingly, all the three writ petitions stands closed in view of the

above observations.

9. It is however made clear that the Petitioners herein are given the liberty to approach the appropriate Court in the circumstance the Respondents herein take any steps in contravention of the extant laws which are prejudicial to the interest of the Petitioners.

10. Interim orders which were passed in all the three writ petitions stands vacated.

JUDGE

Comparing Assistant