

GAHC010309712019



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

Case No. : Crl.Pet./1481/2019

MIKUL JYOTI CHUTIA @ MIKUL CHUTIA
S/O SUNDHAR CHUTIA, R/O VILL-NO PAM, GOGAMUKH, P.S.-GOGAMUKH,
DIST-DHEMAJI, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:SMT. BANDANA BORA
W/O LT. PRANJAL BORA
VILL-CHUTIAKARI
P.S.-GOGAMUKH
DIST-DHEMAJI
ASSAM
PIN-78705

Advocate for the Petitioner : MR. A DUTTA,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

31-07-2024

Heard Mr. A. Dutta, learned counsel for the petitioner and Ms. N. Das, learned Additional Public Prosecutor, Assam for the State.

2. Way back in December, 2019 the petitioner, namely, Mukul Jyoti Chutia @ Mikul Chutia, son of Sundhar Chutia filed this criminal petition under Section 482 CrPC for quashing the FIR of Gogamukh Police Station Case No. 254/2019 registered under Section 302 IPC corresponding to G.R. No. 1152/2019 (GMK) relating to the death of one Pranjal Bora on the evening of 24.09.2019 while undergoing treatment at Sanjivani Hospital at Dibrugarh.

3. Brief facts of the case is that on the night of 15.09.2019 said Pranjal Bora was found lying unconscious in front of his house with severe injuries on his head, where his motorcycle was also found lying on the ground. After the death of said Pranjal Bora, his widow, the informant/respondent No.2 on 31.10.2019 lodged an FIR before the Gogamukh Police Station stating that on 15.09.2019 at around 07:45 pm, her husband went out of his house on receipt of a call in his mobile phone from the petitioner. Said FIR of the respondent No.2 was registered as Gogamukh P.S. Case No. 254/2019 under Section 302 IPC, corresponding to G.R. No. 1152/2019 (GMK), wherein the petitioner was shown to be a named accused.

4. In said Gogamukh P.S. Case No. 254/2019 the petitioner on 20.12.2019 obtained a pre-arrest bail from this Court in AB No. 4073/2019 and thereafter, on 16.12.2019 filed this criminal petition.

5. The Court by order dated 18.12.2019 called for the scanned copy of the records of said Gogamukh P.S. Case No. 254/2019.

6. From the records of the case, it is seen that after investigation of the case, the medical report of the deceased, Call Data Reports (CDR) of the mobile phones of the deceased as well as the petitioner and the post mortem report of the deceased dated 25.09.2019 issued by the Assam Medical College & Hospital, Dibrugarh; police in said Gogamukh P.S. Case No. 254/2019 vide F.R. No. 94/2021 dated 30.04.2021 submitted its Final Report stating that the petitioner was suspected with regard to the death of said Pranjal Bora, but during the course of investigation no such evidence was found against him relating to the death of the deceased so as to establish the case against him.

7. After going through the case record and the Final Report No. 94/2021 dated 30.04.2021 relating to said Gogamukh P.S. Case No. 254/2019, the learned Chief Judicial Magistrate (CJM), Dhemaji by order dated 14.06.2022 passed in said G.R. No. 1152/2019 (GMK) (Gogamukh P.S. Case No. 254/2019) transferred the said case to the Court of learned Judicial Magistrate First Class (JMFC), Dhemaji for disposal and necessary order. As the concerned Investigating Officer vide Report No. 94/2021 dated 30.04.2021 has already submitted the Final Report in said Gogamukh P.S. Case No. 254/2019 and as the learned CJM, Dhemaji by order dated 14.06.2022 passed in said GR No. 1152/2019 (GMK) transferred the matter to the Court of learned JMFC, Dhemaji for disposal and for necessary order, therefore, this Court is of the view that there is no such requirement of adjudication of this matter under Section 482 CrPC as the learned JMFC, Dhemaji following the provisions of Section 173 CrPC is required to do the needful with regard to the said Final Report submitted by the Investigating Officer of said Gogamukh P.S. Case No. 254/2019.

8. Accordingly, this criminal petition being devoid of any merit stands dismissed.

9. Registry shall forward a copy of this order to the Court of learned Judicial Magistrate First Class, Dhemaji, as well as to the Court of learned Chief Judicial Magistrate, Dhemaji forthwith for their needful.

JUDGE

Comparing Assistant