GAHC010068822026

2026:GAU-AS:12650-DB

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

Case No. : W.P.(Crl.)/18/2026

AYASHA SIDDIKA BIBI
W/O AMINUR ISLAM, R/O VILL- BARAIBARI PART-V, P.O- BARAIBARI PART-V, P.S- GAURIPUR, DIST- DHUBRI, ASSAM, PIN- 783339

VERSUS

THE STATE OF ASSAM AND 7 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY, HOME DEPARTMENT AND POLITICAL AFFAIRS, GOVT OF ASSAM, DISPUR, GUWAHATI, PIN- 781006

2:THE DIRECTOR GENERAL OF POLICE
ULUBARI
GUWAHATI
PIN- 781007

3:THE COMMISSIONER OF POLICE
ASSAM
ASSAM POLICE HEAD QUARTER
GUWAHATI
ULUBARI
PIN- 781007

4:THE DISTRICT COMMSSIONER
DHUBRI
P.O.
P.S. AND DISTRICT- DHUBRI
ASSAM
PIN- 783301

5:THE SUPERINTENDENT OF POLICE
DHUBRI

P.O.
P.S. AND DISTRICT- DHUBRI
ASSAM
PIN-783301

6:THE OFFICER-IN-CHARGE
FAKIRGANJ POLICE STATION
P.O. AND P.S.- FAKIRGANJ
DISTRICT- DHUBRI
ASSAM

PIN- 783330

7:THE OFFICER-IN-CHARGE
GAURIPUR POLICE STATION
P.O. AND P.S.- GAURIPUR
DISTRICT- DHUBRI
ASSAM
PIN- 783331

8:SRI TARAK NATH RAY
S/O LATE NARAYAN RAY
R/O GAURIPUR TOWN
WARD NO. 11
P.O. AND P.S.- GAURIPUR
DISTRICT- DHUBRI
ASSAM
PIN- 78333

Advocate for the Petitioner : MR. A A R KARIM, Ms. R. R. BORAH,MR. A DEB,MD S A MONDAL

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 02.09.2026
(K.R. Surana, J)

Heard Md. S.A. Mondal, learned counsel for the petitioner. Also heard Ms.

R. B. Bora, learned Junior Govt. Advocate for respondent nos. 1 to 7.

2. The case of the petitioner that she is the wife of Aminur Islam, who was driver by profession. On 23.03.2026, her husband was driving vehicle bearing registration no. AS-01-FY-2560 belonging to the respondent no.8, but he did not return back in the same evening. As the respondent no. 8 found the mobile of the husband of the petitioner switched off, he searched for the vehicle and the same was found in front of ChataPara M.E. Madrassa, Vill-Chirakuti Chatapara under Fakirganj Police Station and the said vehicle was taken home by the respondent no.8. As the husband of the petitioner could not be traced out, the petitioner visited the Gauripur Police Station and Fakirganj Police Station on several occasions and as her FIR was not registered, the petitioner had filed this *habeas corpus* Petition under Article 226 of the Constitution of India with prayer to cause enquiry into the missing of her husband and to produce him before the Court with alternative prayer to entrust the investigation to an independent investigating agency.

3. The learned counsel for the petitioner has submitted that he has received instructions to the effect that since filing of this writ petition, in course of the investigation done by the Gauripur Police Station, they could apprehend 2 (two) accused person who had confessed during investigation that the driver of the said vehicle was killed on the day of his disappearance and he was buried with the help of other co-accused. Accordingly, the dead body of the deceased was recovered under the jurisdiction of Fakirganj Police Station. Accordingly, it has been submitted that as the dead body of the petitioner's husband was recovered, issue raised in this writ petition has been resolved.

4. The learned Junior Govt. Advocate has produced a photocopy of written instructions dated 17.04.2026, wherein it has been stated that on

05.04.2026, the petitioner had lodged an FIR at Gauripur Police Station, which was registered as Gauripur P.S. Case No.103/2026 under Sections 140(1)/ 3(5) of BNS and in the course of investigation, the 2 (two) accused persons were apprehended who admitted that the husband of the petitioner was killed on the same day of his disappearance. Thereupon, the dead body of the deceased was recovered under the jurisdiction of Fakirganj Police Station and inquest and post-mortem examination of the dead body was conducted and steps were taken for adding further sections of the BNS, which was allowed by the learned Court taking up the committal proceedings. It has further been submitted that the crime scene was reconstructed in the presence of Executive Magistrate and independent witnesses and the efforts are going on for apprehending other co-accused persons.

5. The photocopy of the said instruction dated 17.04.2026 is made a part of record and marked with letter "X".

6. Accordingly, as the dead body of the deceased husband of the petitioner has been recovered, as prayed for by the learned counsel for the petitioner, nothing survives for adjudication of this *habeas corpus* application. Hence, the writ petition stands closed on satisfaction.

JUDGE **JUDGE**

Comparing Assistant