GAHC010007592012

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

Case No. : Crl.Rev.P./402/2012

PRATUL BARMAN
S/O LT. KAMESWAR BARMAN R/O ZOO NARENGI ROAD, GHY-21, UNDER GEETA NAGAR POLICE STATION, IN THE DIST. OF KAMRUP, ASSAM,

VERSUS

THE STATE OF ASSAM

Advocate for the Petitioner : MR.P KAKATI, MR.D K BAGCHI,MR.D CHAKRABORTY

Advocate for the Respondent : PP, ASSAM, ,

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 06.11.2026

None appears for the petitioner when the matter is called today.

Heard Mr. B Sarma, learned Additional Public Prosecutor for the State Respondents.

The present Revision Petition has been instituted assailing the order dated

27.01.2012, passed by the learned Judicial Magistrate First Class, Kamrup, Assam, accepting the final report submitted in connection with Palashbari P.S Case No. 70/2010, registered under Section 147/447/336/427/325 IPC.

The facts in brief requisite for adjudication of the issue arising in the present Revision Petition, is noticed as under.

The petitioner, herein, had lodged an FIR on 25.03.2010 before the Officer-in-Charge, Palashbari Police Station, *inter alia*, alleging that, therein, that one Andrew Soh, Consultant of Brahmaputra Valley Aquarium Project, was assaulted by a mob which had gathered outside his bungalow (Guest House of Rani Tea Estate). It was further alleged that the mob had thrown stones and thereafter, set fire to his bungalow and all properties around his bungalow. It was further alleged that when the said Andrew Soh tried to escape, he was stopped by the mob and was punched because of which he had suffered serious injuries on his head and ear. It was further contented that the victim, thereafter, somehow managed to escape from the area and had reached Guwahati. It was also alleged that all his belongings including his T.V, Computers, Printers, Expensive Food Items, CD Players etc, were damaged and that the said victim had proceeded to Singapore, i.e., his country of origin.

The police on receipt of the FIR, had registered the case as Palashbari P.S Case No. 70/2010, under Section 147/447/336/427/325 IPC. The police, on conclusion of the investigation in the matter, proceeded to submit a final

report and therein, had opined that in view of the fact that no witnesses deposed against the accused, the offence, alleged in the FIR, could not be established and accordingly, the final report was submitted in the mater. On receipt of notice from the learned Trial Court, the petitioner, herein, had submitted his objections against the said final report. The learned Trial Court, thereafter, on examining the final report, in the light of the objections raised by the petitioner, herein, proceeded, vide order dated 27.01.2012, to reject the objections raised by the petitioner and proceeded to accept the final report submitted in the matter by the police.

Being aggrieved the petitioner has instituted the present Revision Petition.

I have heard Mr. B Sarma, learned Additional Public Prosecutor for the State Respondents and also perused the materials coming on record.

On an examination of the final report, this Court finds that although, certain aspects of the matter, pertaining to the offence alleged in the FIR was found to exist, however, in absence of any person coming forward to depose against the accused in the matter, the offences could not be held to have been established during the investigation made by the police. Further, the Investigating Officer had also highlighted that the petitioner, herein, on being medically examined, was found to have suffered no injury.

In the above background, the police proceeded to submit its final report in connection with Palashbari P.S Case No. 70/2010. This Court has also

perused the objections raised by the petitioner in the matter before the learned Trial Court. On a perusal of the same, this Court finds that the petitioner, in his said objection, had also not brought on record any material to substantiate the allegations which he had leveled in the FIR filed by him. Further, the victim, whose name has been recorded in the FIR, is also found to have left the country long back and his statement is also not permissible now to be recorded. Further, in view of the long lapse of time occasioning since the date of occurrence of the incident, which had so occurred on 22.03.2010, this Court is of the considered view that no fruitful purpose would be served even if a direction is issued for a further investigation in the matter.

In view of the said position, this Court is of the considered view that the learned Trial Court, by passing the order dated 27.01.2012, accepting the final report submitted in the matter, had not committed any error.

In view of the above conclusions, the present revision petition is held to be devoid of any merit and the same accordingly, stands dismissed. However, there would be no orders as to costs.

JUDGE

Comparing Assistant