

GAHC010007722016



2026:GAU-AS:2361

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

Case No. : WP(C)/599/2016

SUSHIL PATOWARY
HOUSE NO. 11, NIZARAPAR PATH, HENGRABARI, GUWAHATI, DIST.-
KAMRUP, ASSAM.

VERSUS

THE STATE OF ASSAM AND 8 ORS
REP. BY THE CHIEF SECY. TO THE GOVT. OF ASSAM, DISPUR- 781006.

2:THE SECY. TO THE GOVT. OF ASSAM
HOME DEPTT.
DISPUR
GHY- 6.

3:THE DIRECTOR GENERAL OF POLICE
ASSAM
OFFICE OF THE DGP
B.K. KAKATI ROAD
ULUBARI
GHY- 7.

4:THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM
TRANSPORT DEPTT.
DISPUR
GHY- 6.

5:THE COMMISSIONER OF TRANSPORT
ASSAM
SECY.
STATE TRANSPORT AUTHORITY
KHANAPARA
GHY- 22.

6:THE SUPERINTENDENT OF POLICE
VIGILANCE AND ANTI-CORRUPTION
SIMANTAPUR
GHY- 32.

7:THE OFFICER-IN-CHARGE
ANTI-CORRUPTION BRANCH POLICE STATION
SIMANTAPUR
GHY- 32.

8:BIPULANANDA PATHAK
ADDL. COMMISSIONER OF TRANSPORT IN-CHARGE
ASSAM
KHANAPARA- 22.

9:DEBESWAR TALUKDAR
HEAD ASSTT.
OFFICE OF THE COMMISSIONER OF TRANSPORT
ASSAM
KHANAPARA- 22

Advocate for the Petitioner : MR.R B GOHAIN, MR.I CHOUDHURY,MR.P MAHANTA

Advocate for the Respondent : MR.S S DEY R-9, GA, ASSAM(R 1 TO 3 & 7),MR.A BHATTACHARYA(R-9),MR.D J KAPIL(R-9),MR.M NATH(R-9),MR.R LAHKAR(R-9),MR.U RAJBANSHI(R 4 TO 6)(R-8),MS.K DUTTA(R-8),SC, TRANSPORT

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

18.02.2026

1. Heard the learned counsel for the petitioner. Also heard Mr. K. Gogoi, learned Additional Senior Government Advocate, Assam representing the State respondents and Ms. M. D. Borah, learned Standing Counsel for the Transport Department.
2. The learned counsel for the petitioner submits that she has instructions not to press this writ petition.

3. The present writ petition under Article 226 of the Constitution of India is filed inter alia praying for a direction from this Court for proper and expeditious investigation of Anti Corruption Branch PS Case No. 15/2015 dated 07.12.2015 registered under Section 13(1)(d)/13(2) of the Prevention of Corruption Act, 1988.
4. Mr. Gogoi, learned Additional Senior Government Advocate, Assam referring to this Court's order dated 10.02.2026 submits that he has received an instruction from the Sr. Superintendent of Police, Directorate of Vigilance & Anti-Corruption, Assam, dated 16.02.2026.
5. Perused the said instruction which goes to show that the investigation was duly completed, Charge Sheet was filed and the matter proceeded for trial and after completion of trial, vide order dated 16.08.2022 passed by the learned Special Judge, Assam, in Special Case No. 11/2018, the accused was convicted under Section 7/13(2) of the Prevention of Corruption Act, 1988.
6. Ms. M. D. Borah, learned Standing Counsel for the Transport Department by producing a report from the Commissioner of Transport, Assam dated 17.02.2026, submits that subsequently, the aforesaid determination of the learned Special Judge, Assam was reversed in Criminal Appeal being Criminal Appeal No. 218/2022, acquitting him of the charges.
7. In view of the above instruction and the materials produced, this Court is of the opinion that otherwise no life cause of action survives for this writ petition.
8. Accordingly, the present writ petition stands closed.
9. The instructions submitted by Mr. K. Gogoi, learned Additional Senior Government Advocate issued by the Sr. Superintendent of Police, Directorate of Vigilance & Anti-Corruption, Assam, dated 16.02.2026 as well as Ms. M. D. Borah,

learned Standing Counsel for the Transport Department issued by the Commissioner of Transport, Assam dated 17.02.2026 are kept on record.

JUDGE

Comparing Assistant