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2026:GAU-AS:16592

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

Case No. : Crl.Pet./1556/2026

SRI SANJAY KUMAR JALAN
S/O LATE LAKSMI NARAYAN JALAN, R/O AT ROAD, C/O M.P. JALAN
PETROL PUMP, PO AND PS HIJUGURI, DIST TINSUKIA, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
TO BE REPRESENTED BY THE SPECIAL PUBLIC PROSECUTOR, ASSAM

2:SRI PANKAJ GOEL
S/O LATE RAM KISHORE GOEL
R/O PARBOTIA FEDDER ROAD
PO AND PS TINSUKIA
DIST TINSUKIA
ASSA

Advocate for the Petitioner : MR. P K ROYCHOUDHURY,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

12.11.2026

Heard Mr. P.K. Roychodhury, learned senior counsel, assisted by Ms. S.K.

Laskar, learned counsel for the petitioner and Ms. S.H. Borah, learned Additional Public Prosecutor for the State respondent.

2. In this petition, under Section 528 of the BNSS, read with Article 227 of the Constitution of India, the petitioner has prayed for issuing direction to hold further investigation by Magistrate, as empowered under Section 193(9) of the BNSS, in connection with GD Entry No. 33 dated 11.10.2025, and GD Entry No. 36 dated 25.10.2025, of Tinsukia Police Station.

3. Mr. Choudhury, learned counsel for the petitioner, submits that the petitioner herein has filed one complaint against the respondent No. 2 herein, on 07.10.2025, who stood convicted in FIR No. 166/2002, under Sections 420/468/471 of the IPC, by a Delhi Court and thereafter also the petitioner started practicing as Doctor at Tinsukia, and that he neither passed the HS examination nor completed his graduation, either in Arts, Commerce or Science, or MBBS from any college, under any University, either in the State of Assam or in the country.

3.1. Mr. Choudhury further submits that the respondent No. 2 started practicing as a Doctor at Life Care Metro Plaza Shopping Complex, Rangagora Road at Tinsukia, showing qualifications as MD Medicine Specialist and Consultant, Diabetes and Hypertension at Maharaja Agrasen, Vimhans (Delhi), AMC registration No. 23437, which he mentioned in the prescription issued by him to the patient.

3.2. Thereafter, on 11.03.2025, the petitioner herein had filed one RTI application to the concerned authority, namely, the Registrar, Gauhati University; the Registrar, Dibrugarh University; the Principal, Assam Medical College, Dibrugarh; the Principal, Gauhati Medical College, Guwahati; and the Principal, B. Barooah College, Guwahati, seeking verification report of the educational testimonial of the respondent No. 2 herein, but his educational testimonial could not be traced out.

3.3. Thereafter, Controller of Examination, Assam State School Education Board,

Division II, had submitted a verification report, Annexure-E of the petition, regarding the Admit Card and Certificate issued to the respondent No. 2, to Dr. Abhijit Neog, Anti-Quackery and Vigilance Officer, Assam Council of Medical Registration, wherein it is stated that the photocopies of the Admit Card and the Certificate issued by the erstwhile Assam Higher Secondary Education Council, to the respondent No. 2, bearing Roll 520, No. B-752, in connection with the Higher Secondary Examination, 1994, have been verified with the original record and found to be counterfeit documents and that no such documents were issued by the erstwhile Assam Higher Secondary Education Council to the respondent No. 2 and the said report is annexed with the petition, as Annexure – 'E', at page No. 30.

3.4. Thereafter, the petitioner had received one reply from one inquiry officer, WSI Simpi Saikia, of Tinsukia Police Station, wherein it is stated that regarding the respondent No. 2's MD physician degree from Kharkov State Medical University, Ukraine and HSSLC Examination pass certificate, a case has been registered at Delhi, vide IP Estate Police Station, Case No. 166/2002, and it requires no interference, as the same shall be double-jeopardy to the alleged person.

3.5. Mr. Roychoudhury further submits that from the inquiry, no such veracity in the allegation is found and hence, continuation of further investigation is necessary in this instant case.

3.6. Mr. Roychoudhury also submits that the petitioner is concerned with investigation in respect of the fake HSSLC Certificate of the respondent No. 2, which is apparent from the report, i.e. Annexure – E of the petition and that the subject matter of trial by the Delhi Court is not the same with the allegation in the complaint filed by the present petitioner and as such, he has contended to direct the concerned authority to conduct proper investigation in respect of the allegation made in the complaint, dated 07.10.2025.

4. Per-contra, Ms. Borah, learned Additional Public Prosecutor, submits that though the petitioner has prayed for further inquiry, yet no case has been registered and no investigation has been conducted and as such, further investigation as contemplated under Section 193(9) of the BNSS, cannot be allowed.

5. Having heard the submissions of learned counsel for both the parties, this Court has carefully gone through the petition as well as the documents placed on record and also perused relevant provisions under Section 193 (9) of the BNSS.

6. It is a fact that upon the complaint dated 07.10.2025, no case has been registered. And as such, further investigation cannot be directed, under Section 193(9) of the BNSS. However, this Court is of the view that there is a scope for inquiry in respect of the fake HSSLC pass certificate of the respondent No. 2. As the photocopies of the admit card, bearing No. 71620 and the certificate, bearing No. 02082, purportedly issued by the erstwhile Assam Secondary Education Council to the respondent No. 2 in connection with the Higher Secondary Examination, 1994, were found to be counterfeit documents. And as such, it cannot be said that no cognizable offense is made out after perusal of the complaint, as well as the report furnished by the Controller of Examination, Assam State School Education Board, Division II, Bamunimaidam, Guwahati, to Dr. Abhijit Neog, Anti-Quackery and Vigilance Officer, Assam Medical Council of Medical Registration.

7. In view of the matter, this Court is inclined to dispose of this petition by directing the Superintendent of Police, Tinsukia, to examine the matter again in the light of the Annexure – E of the petition and in view of the complaint, Annexure - C2, at page number 23 of the petition, as to whether any cognizable offense is made out against the respondent No. 2 or not. And if it finds material, then to take follow-up action, such as registration of FIR and inquiry, as contemplated under the

BNSS.

8. In terms of above, this petition stands disposed of, at this motion stage itself.

JUDGE

Comparing Assistant