

GAHC010119012023



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

Case No. : W.P.(Crl.)/20/2023

RAFIKUL MONDAL
S/O- LT. SHUKUR ALI MONDAL, VILL- KOTPARA, P.O. CHITHILA,
P.S. FAKIRAGRAM, DIST.- KOKRAJHAR, BTR, ASSAM, PIN- 783345

VERSUS

1: THE STATE OF ASSAM AND 6 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, DISPUR, GHY-6

2: THE COMMISSIONER AND SECRETARY
GOVT. OF ASSAM HOME DEPTT. DISPUR GHY-06

3: THE DIRECTOR GENERAL OF POLICE
ASSAM ULUBARI GHY-05

4: THE SUPERINTENDENT OF POLICE
DHUBRI (ASSAM) PIN- 783301

5: THE SUB-DIVISIONAL POLICE OFFICER
BILASIPARA BILASIPARA SUB-DIVISION BILASIPARA
DIST.- DHUBRI ASSAM PIN- 783348

6: THE OFFICER IN CHARGE BILASIPARA POLICE STATION
DIST.- DHUBRI ASSAM PIN- 783348

7: DEWAN ROHIS UDDIN AHMED
INVESTIGATING OFFICER IN CONNECTION WITH BILASIPARA P.S. CASE
NO. 206/2023 BILASIPARA POLICE STATION DIST.- DHUBRI ASSAM PIN-
78334

For the Petitioner : Mr. M.U. Mondal, Advocate.
Mr. M. Hussain, Advocate.
Mr. A. Alim Sk., Advocate.

For the Respondents : Mr. D. Mozumder, Additional Advocate General, Assam, assisted by
Mr. D. Nath, Senior Government Advocate, Assam.

– B E F O R E –
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DEVASHIS BARUAH

16.06.2023

Mr. D. Mozumder, learned Additional Advocate General, Assam has placed on record the compliance report, which indicates that the further investigation of the case has been transferred to Additional Superintendent of Police, CID, Assam.

We are constrained to observe that from the pleadings and the documents available on record, it is clear as day light that the officers of the Bilasipara Police Station, namely, Shri Manash Jyoti Saikia, Sub-Inspector and Shri Jyotirmoy Gayan, Officer-in-Charge, have created a post-investigation FIR on 31.05.2023 inspite of the fact that 2(two) previous FIRs had already been registered in relation to the killing of Baser Ali. It clearly appears that this FIR was registered so as to somehow the other justify the arrest of Rokiya Khatun. Such a procedure is totally alien to the principles of criminal jurisprudence.

This Court is also apprised that preliminary enquiry into the conduct of the officers concerned has also been initiated under the supervision of the Director General of Police. The officers concerned, including the Superintendent of Police, Dhubri, have since been transferred.

We, therefore, direct that the Enquiry Officer as well as the Investigating Officers shall conduct further proceedings expeditiously, keeping in view the above observations. The latest factual report shall be submitted

for the Court's perusal on 21.06.2023.

List again on **21.06.2023**.

JUDGE

CHIEF JUSTICE

Comparing Assistant