

GAHC010055922026



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

Case No. : W.P.(Crl.)/15/2026

MRS GRACY SONI AND 2 ORS
W/O SANTOSH KUMAR PRASAD, R/O KHERONI, WEST KARBI ANGLONG,
P.S. KHERONI, P.O. KHERONI, ASSAM, PIN 782448

2: SANTOSH KUMAR PRASAD
S/O LT. MURALI MANAHOR PRASAD
R/O KHERONI
WEST KARBI ANGLONG
P.S. KHERONI
P.O. KHERONI
ASSAM
PIN 782448

3: KRISHNA PRASAD
S/O LT MURALI MANAHOR PRASAD
R/O KHERONI
WEST KARBI ANGLONG
P.S. KHERONI
P.O. KHERONI
ASSAM
PIN 78244

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, HOME
DEPARTMENT, DISPUR SECRETARIAT, KAMRUP (M), PIN 781006

2: THE INSPECTOR GENERAL OF POLICE
ULUBARI
GUWAHATI
KAMRUP (M)
PIN 781007

3:THE COMMISSIONER OF POLICE
KHANAPARA
GUWAHATI
KAMRUP (M)
PIN 781022

4:THE SUPERINTENDENT OF POLICE
HAMREN
WEST KARBI ANGLONG
PIN 782486

5:THE SUPERINTENDENT OF POLICE
SANKARDEV NAGAR
HOJAI
PIN 782442

6:THE OFFICER IN CHARGE
BASISTHA POLICE STATION
BASISTHA
GUWAHATI
PIN 781029

7:INVESTIGATING OFFICER
JORABAT POLICE OUT-POST
GUWAHATI
KAMRUP M
PIN 78102

Advocate for the Petitioner : MR MINTU SAIKIA, MS. B DAS,MS R DUTTA

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 23.04.2026
(K.R Surana, J)

Both sides are represented.

2. Mr. M. Saikia, learned Counsel for the petitioner has submitted that the copy

of the FIR at page-16 which is referred to in the order dated 31.03.2026 has been furnished to the learned Government Advocate.

3. It is projected in the writ petition filed under Article 226 of the Constitution of India that the police personnel had made illegal search at their house at around 01:00 am without following due process of law and brought the husband and brother of the petitioner to the police station without following due process of law.

4. In view of the nature of allegations made in this writ petition, the Court is inclined to issue notice returnable on 13.05.2026.

5. Requisite extra copies of the writ petition with all enclosures be served on the learned Counsel representing the respondents within 2 (two) days.

6. One of the prayers in the writ petition is for a direction to the respondents to release of the seized articles. This Court is of the view that whether or not the seized articles are required for investigation can only be found out from a perusal of the case diary. Such power ought to be in exercise of power under Section 451 and 457 of the Cr.P.C corresponding to Sections 497/503 of the BNSS, 2023 by a Court having jurisdiction. There is no statement in this writ petition as to whether the petitioner has moved the Trial Court and or the Court of the jurisdictional Magistrate for zimma/custody of the seized articles. Hence, the prayer for release of seized articles made in the writ petition is hereby rejected, with liberty to the petitioner to move the competent court having jurisdiction.

7. The learned Senior Government Advocate is requested to send the downloaded copy of this order to the concerned respondents for an early response without fail.

8. List the matter again on 13.05.2026.

JUDGE

JUDGE

Comparing Assistant