

GAHC010092832025



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

Case No. : W.P.(CrI.)/16/2025

SADDAM HUSSAIN
RESIDENTS OF VILLAGEANANDAPUR,P.S- PATACHARKUCHI, 3 DISTRICT-
BAJALI, ASSAM, PIN-781313

2: AJBAHAR ALI
RESIDENTS OF VILLAGEANANDAPUR
P.S- PATACHARKUCHI
3 DISTRICT- BAJALI
ASSAM
PIN-781313

3: LAL BHANU
W/O-HASMAT ALI ALL ARE RESIDENTS OF VILLAGEANANDAPUR
P.S- PATACHARKUCHI
3 DISTRICT- BAJALI
ASSAM
PIN-78131

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE
SECRETARY, GOVERNMENT OF ASSAM, DISPUR, GHY-6

2:THE SUPERINTENDENT OF POLICE
BAJALI DISTRICT AT PATHSALA

3:THE OFFICER IN CHARGE

PATACHARKUCHI POLICE STATION
DISTRICT- BAJALI

4:THE IN CHARGE
BHAWANIPUR POLICE OUTPOST

PATACHARKUCHI

5:ABDUL AJIJ
S/O-ASHIM UDDIN

6:AFTAR ALI
S/O-ASHIM UDDIN

7:MINHAJ ALI
S/O- ABDUL AZIZ

8:HAFIZUR RAHMAN
S/O- ABDUL AZIZ

9:MAJJIRUL ISLAM
S/O- AFTAR ALI

10:MAJIBAR RAHMAN
S/O-JASHIM UDDIN

11:MONIRUL ISLAM
S/O-MAJIBOR RAHMAN

12:JOYNUDDIN(KALU)
S/O-MAJIBOR RAHMAN

13:DUNU MIA
S/O- MAJIBOR RAHMAN

14:AMINUL HAQUE
S/O- MAJIBOR RAHMAN

15:MUKTAR ALI
S/O-JASHIM UDDIN

16:JAHINUR
S/O-MOKTTAR ALI

17:JAMINUR
S/O-MOKTTAR ALI

18:SHARIFUL
S/O-MOKTTAR ALI

19:LALSHAN ALI
SON OF JASHIM UDDIN
ALL ARE RESIDENT OF VILLAGE ANANDAPUR
PATASARKUCHI

BARPET

Advocate for the Petitioner : MR S ISLAM, MS. D BORA,MR S H MAHMUD,MR. M U MAHMUD

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 16.05.2025

- 1.** Heard Mr. M. U. Mahmud, learned counsel for the petitioners. Also heard Mr. D. Nath, learned Senior Government Advocate appearing for the respondent Nos. 1 to 4.
- 2.** This application under Article 226 of the Constitution of India has been filed by the petitioners praying for re-investigation/further investigation in Patacharkuchi P.S. Case No. 99/2024.
- 3.** The learned counsel for the petitioners has submitted that the petitioners had filed an FIR before the Officer-in-charge of Patacharkuchi Police Station on 09.05.2024, *inter alia*, alleging that 15 numbers of accused persons had assaulted the informant and his aunt as well as younger brother when they went to their paddy field for fixing pillar on 08.05.2024. It is alleged in the FIR that the accused persons named in the FIR brutally assaulted the victims with lathi and sharp weapon causing grievous injury on their head and several parts of the body.
- 4.** The learned counsel for the petitioners has submitted that though in this case after registration of Patacharkuchi P.S. 99/2024, investigation was initiated and charge-sheet was laid, however, the police has done the

investigation and laid the charge-sheet under Sections 447/294/506/323/34 of the IPC.

5. The learned counsel for the petitioners has submitted that injury report of the victim, namely, Lal Vanu Bibi clearly shows that the victim had sustained fractured on walls of left maxillary sinus as well as on head, however, in spite of that the charge-sheet has been laid under Section 323 of the IPC wrongly.

6. The learned counsel for the petitioners has submitted that this is a case where the charge-sheet ought to have been laid under Sections 307/326 of the IPC and amongst other penal provision, however, the police has not done the investigation properly and, therefore, he prays for re-investigation/further investigation.

7. On the other hand, the learned Senior Government Advocate appearing for the respondent Nos. 1 to 4 has submitted that this writ petition is not maintainable inasmuch as the petitioners have alternative remedy available to them as they can approach before the Trial Court and pray for taking cognizance/framing of charges under appropriate provisions of law on the basis of materials available on record.

8. This Court is, however, not certain as to whether the medical report furnished by the petitioner and annexed as Annexure-4 along with this writ petition is part of the charge-sheet or not and, therefore, perusal of the charge-sheet would be necessary before passing further orders in this case.

9. Hence, let the scanned copy of the case diary of Patacharkuchi P.S. No. 99/2024 along with injury report of the victims available in the case diary/case record and the the scanned copy of the PRC Case No. 231/2024 be

called for.

10. The Registry shall take steps for requisitioning the aforesaid scanned copies from the Court of the learned Chief Judicial Magistrate, Bajali.

11. List this matter again on 03rd of June, 2025 in the motion column.

JUDGE

Comparing Assistant