

GAHC010100772021



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

Case No. : Crl.A./122/2021

THE STATE, NATIONAL INVESTIGATION AGENCY
MINISTRY OF HOME AFFAIRS, GOVT. OF INDIA, REPRESENTED BY THE
SUPT. OF POLICE, NIA, BRANCH OFFICE, GUWAHATI ASSAM

VERSUS

AKHIL GOGOI AND 3 ORS
S/O LATE BOLURAM @BOLU GOGOI RESIDENT OF LUKRAKHANGAON
SEINGHAT, PS TEOK, DIST JORHAT, ASSAM 785636

2:SHRI JAGJIT GOHAIN @ JAGAJIT GOHAIN
S/O RITU GOHAIN
RESIDENT OF TAKUBAM GAON
PS CHABUA, DIST DIBRUGARH
ASSAM 786184

3:SHRI BHASKARJIT PHUKAN @ SWAGADITYA PHUKAN @
SWARGADITYA PHUKAN
S/O ULESWER PHUKAN
RESIDENT OF PULUNGA GAON
PS CHABUA
DIST DIBRUGARH
ASSAM 786184

4:SHRI BHUPEN GOGOI
S/O LATE MOHAN GOGOI
RESIDENT OF PULUNGA GAON
PS CHABUA, DIST DIBRUGARH
ASSAM 78618

Advocate for the Petitioner : MR. R K D CHOUDHURY, MR D SAIKIA, ADVOCATE
GENERAL, ASSAM., SC, NIA

Advocate for the Respondent : MS. P BORAH(R-1,2,3 & 4) , MR. S BORTHAKUR(R-1,2,3 & 4)

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

17-02-2025

(S. K. Medhi, J)

Heard Shri M. Phukan, learned Special PP, NIA. Also heard Shri G. Kaushik, learned counsel appearing on instructions of Shri S. Borthakur, learned counsel for the respondent.

At the outset, Shri Phukan, the learned Special PP has informed that on a similar circumstance an order of discharge was passed which was the subject matter of appeal and this Court had allowed the appeal and the matter has been remanded after framing of charge.

Be that as it may, we are of the view that for adjudication of the present appeal, preparation of the Paper Book would be convenient and be in the interest of justice.

Accordingly, we direct the Registry to prepare the Paper Book on the basis of the materials on record.

The Registry is to take into consideration the materials which were the basis of laying the Final Form after the investigation which were the matters of examination by the learned Judge while passing the impugned order. That apart, the Registry may also incorporate the following:-

- i. Appeal Memo with all Annexures.
- ii. Order dated 22.06.2021 passed by Special NIA Court, Assam.
- iii. State FIR- Chabua PS Case No. 289/2019 dated

10.12.2019.

- iv. NIA FIR – RC No. 01/2020/NIA/GUW dated 09.04.2020.
- v. MHA orders dated 04.04.2020 (2 orders) *Pg No. 91 & 92 of Crl. Appeal.
- vi. Charge-sheet by NIA dated 26.06.2020.
- vii. Sanction order dated 25.06.2020 by MHA.
- viii. Statements of witnesses (PW-1 to PW-42)
- ix. Documents (D1 to D74)
- x. Order-sheet by CJM, Dibrugarh dated 14.12.2019 upto order dated 19.05.2020.

Since the provision of the NIA stipulates a time frame for disposal of an appeal, let the Paper Book be prepared expeditiously and the matter be listed for hearing immediately thereafter.

JUDGE

JUDGE

Comparing Assistant