

GAHC010108182018



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

Case No. : WP(C)/3405/2018

SAJID KHAN
S/O YAKUB KHAN
H. NO. 21, MINHAZ PATH, SIJUBARI, HATIGAON
P.S. HATIGAON, DIST. KAMRUP (M), ASSAM PIN 781038.

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
HOME DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE COMMISSIONER OF POLICE

GUWAHATI CITY

DIST.KAMRUP (M)
ASSAM
PIN - 781001.

3:THE OFICER IN CHARGE OF BHARALUMUKH P.S.
P.O. AND P.S. BHARALUMUKH
DIST. KAMRUP (M)
ASSAM

4:THE GENERAL MANAGER

ICIC LOMBARD GENEAL INSURANCE CO. LTD.
ICICI LOMBARD HOUSE 414 VEER SAVARKAR MARG. NEAR SIDDHI
VINAYAK TEMPLE
PARBHADEVI
MUMBAI- 400025.

5:SRI GHANAKANTA BORAH

INSPECTOR OF POLICE
(O.C. OF BHARALUMUKH POLICE STATION IN 2014)
R/O - BASONA GHAT
NEAR BANK OF BARODA
P.O. - MORIGAON
P.S.- MORIGAON
DIST.-MORIGAON
ASSAM
PIN. - 782105

6:SRI JITEN KUMAR
SUB INSPECTOR OF POLICE
(INVESTIGATING OFFICER BHARALUMUKH P.S. CASE NO. 352/2014)
R/O - GOTANAGAR PNGB ROAD
NEAR GOTANAGAR HOSPITAL
P.O. - MALIGAON
P.S. - JALUKBARI
DIST.- KAMRUP (M)
ASSAM
PIN. 78101

Advocate for the Petitioner : MR. M SARANIA, MD. S U AHMED,MS. I KEITZAR,MR. B DEORI

Advocate for the Respondent : GA, ASSAM, MR. T DEURI(R-5),U BHARADWAJ(R-5),MR N MILI (R-5),MR H P GUWALA (R-6),MR. B K DAS (R-6),MS. M SAIKIA (R4),MR. R GOSWAMI (R4),MS. P BORTHAKUR (R4)

BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 28.01.2026

Heard Mr. N. Gogoi, learned counsel appearing on behalf of Mr. M. Sarania, learned counsel for the petitioner. Also heard Mr. N. Goswami, learned State Counsel for the respondent Nos. 1, 2 & 3; Mr. R. Goswami, learned counsel for the respondent No. 4; Mr. T. Deuri, learned counsel for

the respondent No. 5 and Mr. B. K. Das, learned counsel for the respondent No. 6.

Essentially, the petitioner challenges the order dated 22.11.2017, whereby the Protest Petition filed by the complainant in Bharalumukh P.S. Case No. 352/2014 was rejected by the learned Chief Judicial Magistrate, Kamrup (Metro) District, Guwahati, on the ground that the Final Report (FR) submitted by the Investigating Officer did not disclose any material illegality warranting rejection of the Final Form, thereby, accepted the FR.

Considering the above and in view of the settled position of law as relied on by Mr. B. K. Das, learned counsel for respondent No. 6, in the case of *Sakiri Vasu vs. The State of Uttar Pradesh and Ors.*, reported in (2008) 2 SCC 409, wherein, it has been observed that if the report has been accepted by the Magistrate and no appeal or revision was filed against the order of the Magistrate accepting the Police report, then that would be the end of the matter, the writ petition challenging the acceptance of the Final Report *prima facie* would not be maintainable.

However, considering that the leading counsel, Mr. M. Sarania, is reportedly indisposed and his junior is appearing on his behalf with a prayer for adjournment, let this matter be listed **after 10 (ten) days**.

JUDGE

Comparing Assistant