

GAHC010149072025



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

Case No. : WP(C)/4332/2025

LOHIT MIRDHA
(UBC/171, CONSTABLE), S/O LATE SUMILAL MIRDHA, R/O GARAJAN TEA
ESTATE, P.S.- BORHOLLA, DIST- JORHAT (ASSAM)

VERSUS

STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, DISPUR, GUWAHATI-6, KAMRUP (M), ASSAM

2:THE DIRECTOR GENERAL OF POLICE
ASSAM POLICE HEADQUARTER
ULUBARI
GUWAHATI-7
DIST- KAMRUP (M)
ASSAM

3:THE ADDITIONAL SUPERINTENDENT OF POLICE (HQ)/CRIME
JORHAT
DIST- JORHAT
ASSAM

4:THEE INSPECTOR GENERAL OF POLICE (ADMN)
ULUBARI
GUWAHATI-7
DIST- KAMRUP (M)
ASSAM

5:THE SUPERINTENDENT OF POLICE
JORHAT
ASSA

Advocate for the Petitioner : MR. R CHETRI, MR N MILI,MR N BARMAN

Advocate for the Respondent : GA, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

05.09.2025

Heard Mr. R. Chetri, learned counsel for the petitioner and Mr. D. Bora, learned Junior Government Advocate, Assam for the respondents.

The petitioner was serving as a Constable in Assam Police. In view of his arrest in connection with Jorhat Police Station Case no. 500/2023, a disciplinary proceeding as well as a criminal proceeding was initiated against the petitioner. In the disciplinary proceeding, D.P. no. 20/2023, the petitioner was imposed with major penalty of dismissal from service by an Order dated 25.04.2024. After conclusion of the trial of Police Report Case [PRC] no. 130/2024 arising out of Jorhat Police Station Case no. 500/2023, the trial court of learned Sub-Divisional Judicial Magistrate [S], Jorhat acquitted the petitioner from charges under Sections 341/342/354B, Indian Penal Code [IPC]. Against the Order of dismissal dated 25.04.2025, the petitioner stated to have preferred an appeal before the Appellate Authority.

Mr. Bora, learned Junior Government Advocate, Assam has submitted, on instruction, that the Appellate Authority has already disposed of the appeal by an Order dated 29.05.2024 and he has handed over a copy of the said Appellate Order dated 29.05.2024 to the learned counsel for the petitioner. By the Order dated 29.05.2024, the Appellate Authority has dismissed the appeal.

The petitioner by the instant writ petition has sought reinstatement into service in view of his acquittal in the criminal case.

The matter would require consideration.

Issue notice, returnable on 24.10.2025.

As Mr. Bora, learned Junior Government Advocate, Assam has appeared and accepted notices on behalf of all the respondents, issuance of formal notice to the respondents is

dispensed with. The learned counsel for the petitioner shall furnish requisite extra copies of the writ petition along with the annexures, to Mr. Bora within 2 [two] working days from today.

The respondents shall file their counter affidavit on or before the returnable date and the counter affidavit shall contain the copy of the appellate order dated 29.04.2025.

List the case on 24.10.2025.

JUDGE

Comparing Assistant