

GAHC010153962022



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

Case No. : Crl.A./204/2022

BRAJESWAR BORDOLOI AND 4 ORS.
S/O LATE SURATH BORDOLOI, VILLAGE KALIAJARI, PS MORIGAON, DIST
MORIGAON, ASSAM 782105

2: SUSHIL BORDOLOI
S/O SRI BRAJESWAR BORDOLOI

VILLAGE KALIAJARI
PS MORIGAON
DIST MORIGAON
ASSAM 782105

3: SHANTI BORDOLOI
S/O SRI BRAJESWAR BORDOLOI

VILLAGE KALIAJARI
PS MORIGAON
DIST MORIGAON
ASSAM 782105

4: RANJAN BORDOLOI
S/O SRI BRAJESWAR BORDOLOI

VILLAGE KALIAJARI
PS MORIGAON
DIST MORIGAON
ASSAM 782105

5: JAYANTA BORDOLOI
S/O SRI BRAJESWAR BORDOLOI

VILLAGE KALIAJARI
PS MORIGAON
DIST MORIGAON

ASSAM 78210

VERSUS

THE STATE OF ASSAM AND ANR.
REPRESENTED BY THE PP, ASSAM

2:KATIRAM BANGTHAI
S/O LATE ASHOK BANGTHAI

RESIDENT OF KALIYAJARI
PS MORIGAON
DIST MORIGAON
ASSAM 78210

Advocate for the Petitioner : MR A ATREYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 11.09.2023
(K.R. Surana, J)

Heard Mr. D.K. Bhattacharyya, learned counsel for the appellants and Ms. S. Jahan, learned APP is present. The learned counsel for the appellants has produced a copy of order dated 24.08.2023 bearing endorsement by the Inspector, Officer-in-charge, Morigaon PS that the appellants had reported to the Morigaon PS on 30.08.2023 at 11.40 AM, which is in terms of order dated 24.08.2023. Moreover, the learned counsel for the appellants has also produced a copy of certificate issued by the Jailor District Jail, Morigaon dated 08.09.2023 that the appellant had surrendered to judicial custody of District Jail, Morigaon on the same date.

The learned counsel for the appellants has submitted that notwithstanding

that I.A.(Crl.) 646/2023 has been disposed of, but as per his instruction the appellant no.1, who is aged about 72 years is suffering from various ailments including chronic lacunar infarct in right insular region, age related diffuse cerebral and cerebellar atrophy with small vessel ischemic changes and hypodense area in right parietal lobe involving both gray and white matter as described is suggestive of acute infarct in right MCA territory.

The learned counsel for the appellants has also submitted that in the affidavit filed on 16.08.2023 in the connected I.A.(Crl.) 646/2023, it was mentioned that the medical report from the GMCH dated 14.08.2023 indicates that the appellant has also suffered a cardio vascular accident (stroke).

Considering the age and the nature of ailments as submitted by the learned counsel for the appellants, the Jailor District Jail, Morigaon shall get the appellant to be examined by the Jail doctor and thereafter at the government hospital if so referred and the status report of the condition of the health shall be sent to the Court through the learned APP.

The learned APP shall send a downloaded copy of this order to the Jailor District Jail, Morigaon.

List after 2(two) weeks.

JUDGE

JUDGE

Comparing Assistant