

GAHC010190602025



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

Case No. : Crl.Pet./1037/2025

SRI LOKAM TALO AND 4 ORS
SON OF LATE LOKAM HANGI
BELLO II VILLAGE, KIMIN CIRCLE, P.O. AND P.S. KIMIN, PIN-791112, DIST.
PAPUMPARE, (ARUNACHAL PRADESH).

2: SMTI. SMTI LOKAM YAVI
W/O SHRI LOKAM TALO
BELLO II VILLAGE
KIMIN CIRCLE
P.O. AND P.S. KIMIN
PIN-791112
DIST. PAPUMPARE
(ARUNACHAL PRADESH).

3: SHRI LOKAM TANA
S/O LOKAM TALO BELLO II VILLAGE
KIMIN CIRCLE

P.O. AND P.S. KIMIN
PIN-791112
DIST. PAPUMPARE (ARUNACHAL PRADESH).

4: SHRI LOKAM TANGA
S/O LOKAM TALO
BELLO II VILLAGE
KIMIN CIRCLE

P.O. AND P.S. KIMIN
PIN-791112
DIST. PAPUMPARE (ARUNACHAL PRADESH).

5: SHRI.LOKAM TIGER
S/O LOKAM TALO
BELLO II VILLAGE

KIMIN CIRCLE

P.O. AND P.S. KIMIN

PIN-791112

DIST. PAPUMPARE (ARUNACHAL PRADESH).

PETITIONER NO. 5 BEING MINORS ARE REPRESENTED BY THEIR
NATURAL GUARDIAN AND FATHER

PETITIONER NO. 1

VERSUS

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

2:ASSISTANT CONSERVATOR OF FORESTS LAKHIMPUR DIVISION

NORTH LAKHIMPUR-787001

LAKHIMPUR
ASSA

Advocate for the Petitioner : MR G JALAN, T TAKU,S FAZIL

Advocate for the Respondent : PP, ASSAM, SC, FOREST

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 26.08.2025

1. Heard Mr. G. Jalan, the learned counsel for the petitioners. Also heard Mr. B. Sarma, the learned counsel for the Respondent No. 2 as well as Mr. K. K. Parasar, learned Special Public Prosecutor appearing for Respondent No. 1.

2. This application under Section 528 of BNSS 2023 has been filed by the petitioners, namely, (1) Shri Lokam Talo, (2) Smti. Smti Lokam Yavi, (3) Shri Lokam Tana, (4) Shri Lokam Tanga, and (5) Shri Lokam Tiger, praying for quashing of the complaint case bearing No. CR (F) Case No. 15/2023, pending

before the Court of learned Judicial Magistrate First Class, North Lakhimpur under Regulations 24 and 25 of the Assam Forest Regulation Act, 1891, (as amended in 1995).

3. The gist of the facts relevant in this case in brief is that one offense report has been filed on 28.10.2023 under Regulations 24 and 25 of the Assam Forest Regulation Act, 1891 before the Court of learned Judicial Magistrate First Class, North Lakhimpur, *inter-alia*, alleging that on 21.10.2025, the complainant along with his colleagues as well as personnel of Border Security Force went for patrolling to the northern side of the mountain of Segun Red Reserve Forest.

4. During patrolling, it was found that while constructing PMGSY Road by Arunachal Pradesh Government, inside the Red Reserve Forest, a mountain-like embankment was cut and encroachment in the land of Assam was made by the people of Arunachal Pradesh.

5. It was alleged that by destroying the Red Reserve Forest, the encroachers have committed offence of violation of pending case before the Apex Court regarding disputed border properties and as such, a prayer was made for taking cognizance of the case. Accordingly, on 04.10.2024, the learned Judicial Magistrate First Class, North Lakhimpur, by passing the order on the same date in CR (F) Case No. 15/2023 took cognizance of offence Regulations 24 and 25 of the Assam Forest Regulation Act, 1891, against the present petitioners.

6. The learned counsel for the petitioners has submitted that the petitioners are inhabitants of Kimin Circle under Papum Pare District of Arunachal Pradesh and they are holding Land Possession Certificate in respect of land where the excavation work was made. In support of this submission, the learned counsel for the petitioners has annexed the Land Possession Certificate

in the name of the petitioners.

7. The learned counsel for the petitioners has submitted that the border dispute is going on between two states and in this regard, a meeting was held on 09.01.2023 and the Regional Committee of Papum Pare/Lakhimpur/Bishwanath Chariali Districts of Assam and Arunachal Pradesh.

8. It is further submitted by the learned counsel for the petitioners that in the said meeting, it was resolved that as regards land, which falls under Belo-2, Lora-1, Lora-2 and Kimin were proposed by the Assam Regional Committee to be considered and as single cluster as per the present status of the possession.

9. The learned counsel for the petitioners submits that the land in question is under the possession of the petitioners since very long and whereas the Land Possession Certificate were issued only in the year 2020.

10. The learned counsel for the petitioners submits that as the petitioners were possessing the aforesaid land as per the Land Possession Certificate issued by the Government of Arunachal Pradesh, therefore, no offence under Regulations 24 and 25 of the Assam Forest Regulation Act, 1891 has been committed as same is exempted by virtue of the provisions contained in Regulations 24 and 25 of the Assam Forest Regulation Act, 1891.

11. On the other hand, the learned Special Public Prosecutor submits that as the petitioners were found illegally extracting land, which is within the territory of the State of Assam, the Trial Court has rightly taken cognizance of the offence under Regulations 24 and 25 of the Assam Forest Regulation Act, 1891, against the petitioners.

12. I have considered the submissions made by the learned counsel for both sides and I have gone through the materials available on record including the copies of documents annexed along with the petition by the petitioners, which

shows that the petitioners are the holders of Land Possession Certificates in respect of the disputed land.

13. Let the scanned copy of the records of CR (F) Case No. 15/2023 be called for from the Trial Court.

14. The Registry to take steps for requisitioning the above mentioned scanned copies.

15. However, considering the submissions made by the learned counsel for the petitioners and as discussed in the following paragraphs, further proceeding of complaint case bearing CR (F) Case No. 15/2023 shall be kept in abeyance till next returnable date.

16. Let list matter be listed **on 25.09.2025.**

JUDGE

Comparing Assistant