

GAHC010245362024



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

Case No. : Crl.Pet./1404/2024

DR. RATUL DATTA
S/O LATE GOLOK CHANDRA DATTA,
R/O HOUSE NO. 48, DWARKA NAGAR, SIXMILE, P.S. DISPUR, DIST.
KAMRUP (M), ASSAM
PIN-781022

VERSUS

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

2:SMT. CHARU DAS
W/O DEBI RAM DAS
R/O PALARA
KAMALPUR
P.S. KAMALPUR
DIST. KAMRUP
ASSAM
PIN- 78138

Advocate for the Petitioner : MR. A K BHUYAN, MR A SHARMA,MR J DAS,MR A
TALUKDAR,MS B BORA,MR. A KHOUND,MS. N CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 12.12.2024

Heard Mr. A.K. Bhuyan, learned counsel appearing for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the state of Assam.

One day an incident of theft occurred in the house of the petitioner, while he was at Tezpur. There are two caretakers employed by the petitioner. One of them is the deceased. When the petitioner returned to Guwahati, he saw the incident of theft and lodged an FIR before police. Thereafter, police arrested the deceased and the other caretaker. While the deceased was in custody, he stated before police that at the time of theft, he was not available in the house and had gone to the house of his friends and stayed in his house. After being released by police, the deceased was found sleeping in the verandah of the house and after some time, the other caretaker informed the petitioner that the deceased had died.

The mother of the deceased lodged an FIR after 9 days alleging that the present petitioner might be involved in the said occurrence. The postmortem report discloses that there were no injury mark over the dead body of the deceased. However, the forensic people found injury mark on the back side of the neck of the deceased.

Mr. Das has strongly objected to the prayer of the petitioner on the ground that the quashing of the proceeding would hamper the investigation.

I have considered the submissions made by the learned counsels of both sides.

Under the given circumstances of the case, this Court is of the opinion that the petitioner deserves to be given some protection.

Therefore, it is directed that no coercive action shall be taken against the petitioner in respect of Dispur PS Case No. 1235/2024.

The investigation shall continue as usual. The petitioner shall co-operate with the police investigating officer.

The CD shall be returned.

The petitioner is directed to take fresh steps for service of notice upon the respondent no. 2 by registered post with A/D.

List after the vacation.

JUDGE

Comparing Assistant