

GAHC010246862025



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

Case No. : Crl.Pet./1361/2025

NIJAM UDDIN CHOUDHURY AND 3 ORS.
S/O- LATE ISUB ALI CHOUDHURY, VILL. P.O.- PANCHGRAM, P.S.-
PANCHGRAM, DIST. HAILAKANDI, ASSAM

2: SAMIM AHMED CHOUDHURY
S/O- ATAUR RAHMAN CHOUDHURY
VILL. P.O.- KALINAGAR PT.V
P.S.- PANCHGRAM
DIST. HAILAKANDI
ASSAM

3: ABDUR RAFIE MAZMDER
S/O- ISMAIL ALI MAZUMDER

R/O- SILCHAR ROAD
NEAR HPC PAPER MILL
PANCHGRAM
P.S.- PANCHGRAM
DIST. HAILAKANDI
ASSAM.

4: IKBAL HUSSAIN TALUKDAR
S/O- ABDUL JALIL TALUKDAR
R/O- PANCHGRAM NEW MARKET
P.S.- PANCHGRAM
DIST. HAILAKANDI
ASSA

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:ATAUR RAHMAN LASKAR

S/O- LATE MUDORISH ALI LASKAR
VILL. MATIRGRAM
P.O. P.S.- ALGAPUR
DIST. HAILAKANDI
ASSAM. PIN- 78815

Advocate for the Petitioner : MR. T J MAHANTA, MS. N.A. LASKAR,MR. A BORUA,MS. S. DEY,MR. N H BARBHUIYA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

17.12.2025

Heard Mr. T.J. Mahanta, learned Senior Counsel assisted by Mr. N.H. Barbhuiya, learned counsel for the petitioners and Mr. M.P. Goswami, learned Additional Public Prosecutor, Assam for the respondent no. 1 State.

2. The petitioners have assailed [i] a First Information Report [FIR] registered as Panchgram Police Station Case no. 59/2023; [ii] the Charge-Sheet no. 53/2023 submitted in connection with Panchgram Police Station Case no. 59/2023; and [iii] an Order dated 14.10.2025 passed by the Court of Additional Sessions Judge, Hailakandi [‘the Trial Court’] in Sessions Case no. 44/2025. By the Order dated 14.10.2025, charges have been framed against the petitioners under Sections 143/148/448/323/353/307, Indian Penal Code [IPC] read with Section 149, IPC.

3. Mr. Mahanta, learned Senior Counsel appearing for the petitioners has submitted that from a bare look at the FIR and the Charge-Sheet along with materials annexed thereto, it would be demonstrated that the ingredients of the offence under Section 353, IPC and Section 307, IPC were not available. He has further submitted that as per the FIR, one Dipak Gogoi, a Sub-Inspector of Police attached to Panchgram Police Station was allegedly a victim

and yet, he was entrusted with the task of investigation into the case, meaning thereby, the victim himself was the Investigating Officer [I.O.] of the case, which, according to him, is not permissible under law.

4. The matter would require consideration.
5. Let the scanned copies of the TCR be called for.
6. Issue notice, returnable on 19.01.2026.
7. As Mr. Goswami, learned Additional Public Prosecutor has appeared and accepted notice on behalf of the respondent no. 1, issuance of formal notice to the respondent no. 1 is dispensed with. Mr. Barbhuiya, learned counsel for the petitioners shall furnish an extra copy of the criminal petition along with the annexures to Mr. Goswami within 3 [three] working days from today.
8. The petitioners shall take steps for service of notice upon the respondent no. 2 by speed post within 2 [two] working days from today.
9. The prayer for interim relief will be considered upon perusal of the legible scanned copies of the TCR.
10. As it is submitted by Mr. Mahanta, learned counsel appearing for the petitioners that the next date of the trial is 19.12.2025, the petitioners are at liberty to take appropriate steps on that day.
11. List the case on 19.01.2026.

JUDGE

Comparing Assistant