

GAHC010246862025



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
HON'BLE MR. JUSTICE RAJESH MAZUMDAR
ORDER

19.01.2026

Heard Sri T J Mahanta, learned Senior Counsel for the petitioner. Also heard Mr K K Parashar, learned Additional Public Prosecutor for the State of Assam

2. Although by the order dated 17.12.2025, this Court had called for the Trial Court Record, the same is not yet received.

3. Issue reminder to the learned Trial Court to send the scanned copy of the Trial Court Record, so that the scanned copy of the TCR is received before the next date fixed. Also the Service Report on the respondent No. 2 be furnished on the next date.

4. *Prima facie*, it appears that the FIR had stated that the In-Charge of the Kathakhal Police Outpost had attempted to stop the miscreants from entering the outpost, however the attack on the Hon'ble MLA was carried out despite the same inside the Police Station. The records also show that the said In-Charge of the Outpost was deputed as the Investigating Officer and he has also filed the charge sheet in the matter.

5. Sri T J Mahanta, learned Senior Counsel has submitted that the person who is supposed to be a witness of the entire incident and also a victim could not have been allowed to proceed with the investigation of the case. It has been further submitted that

the next date fixed before the learned Trial Court is on **30th of January, 2026.**

6. List this matter on **29th of January, 2026**, along with the scanned copy of the TCR for further consideration.

7. The prayer for interim will be considered on **29th of January, 2026.**

JUDGE

Comparing Assistant