

GAHC010276752025



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

Case No. : W.P.(Crl.)/83/2025

SRI BHAKTI PRASAD SONOWAL
S/O- LATE PUNA RAM SONOWAL, R/O- FLAT NO 3B, BHANU ENCLAVE,
AJANTA PATH SURVEY, PS- HATIGAON, PO- BELTOLA, GUWAHATI- 781028,
DISTRICT- KAMRUP (M), ASSAM, PH NO 8826788504

VERSUS

SMTI. OSHIMA CHOUDHURY AND 4 ORS
D/O LATE KANAK CHOUDHURY, R/O C/O -SRI RONJEEV DAS, H NO 1, HEM
ENCLAVE, LACHIT NAGAR, BYE LANE NO 5, PS- PALTAN BAZAR, PO-
ULUBARI, GUWAHATI- 781007, DIST- KAMRUP (M), ASSAM, PH NO
9205819651

2:DIRECTOR GENERAL OF POLICE DGP
ASSAM POLICE HEAD QUARTERS
ADDRESS- DR BK KAKATI RD
OPPOSITE HDFC BANK
ULUBARI
GUWAHATI
DISTRICT- KAMRUP (M)
ASSAM

3:COMMISSIONER OF POLICE
NERIPSTR
(NORTH EASTERN REGIONAL INSTITUTE PARLIAMENTARY STUDIES
TRAINING AND RESEARCH) BUILDING
KHANAPARA
NEAR SCIENCE MUSEUM
GUWAHATI 781022

4:OFFICER IN CHARGE
HATIGAON POLICE STATION

GUWAHATI
DISTRICT- KAMRUP (M)
ASSAM

5:OFFICER IN CHARGE
OF PALTAN BAZAR POLICE STATION
GUWAHATI
DIST KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. A K BHUYAN, P BHOWMICK,MS. J SAIKIA,MS R DAS

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 17.02.2026
(K.R. Surana, J)

Heard Ms. B. Bhuyan, learned senior counsel assisted by Ms. B. Bora, learned counsel for the petitioner. Also heard Mr. P. Sarmah, learned Additional Senior Govt. Advocate for respondent nos. 2 to 5.

2. As per office note dated 03.01.2026, notice issued to respondent no. 1 has returned un-served with a postal remark "Addressee left". Accordingly, it appears that the respondent no. 1 has left her regular address in order to avoid service of process. Accordingly, the Court is inclined to allow the petitioner to take fresh steps for service of notice on respondent no. 1 in substituted manner by publishing the same on Assamese newspaper having circulation in the State of Assam.

3. The steps shall be taken within a week and the paper publication

shall be made within 28.02.2026, indicating the date of appearance as 16.03.2026 and affidavit of service shall be filed prior to the next date of listing.

4. The learned Additional Senior Govt. Advocate has produced a copy of action taken report submitted by the Inspector of Police, Officer-in-Charge of Paltanbazar Police Station stating that Court notices has been issued against the respondent no. 1 which has been hanged at the LGBI Airport, Guwahati, Guwahati Railway Station and Kamakhya Railway Station. Look out notices against the respondent no. 1 and the missing child has been generated through the Bureau of Immigration (Ministry of Home Affairs). Court notices against the respondent no. 1 and missing child has been advertised in the Telegraph, Asomiya Pratidin and Times of India and also circulated in the electronic media through Chief Public Relation Officer (CPRO), Kamrup (Metro). The police personnel has visited the house of the petitioner on several occasions but she was not found. They had also visited the house of maternal uncle where she temporarily used to reside but she has not gone to the said address. The house of parents of respondent no. 1 has also been visited but she was not found available. Attempts were also made to locate respondent no. 1 at her previous rented address but where she was not found. The child was also not found attending the school in which he was studying and that the 3 (three) phone numbers used by the petitioner were found to be not active.

5. At this stage, the learned senior counsel for the petitioner has submitted that the investigation of the case be handed over to the CBI.

6. In the considered opinion of the Court, at this stage, considering the

nature of investigation carried out by the Assam Police, this Court, at this stage, is unable to record that no action has been taken by the State so as to assign investigation to any other agency. However, the learned senior counsel for the petitioner is liberty to renew the prayer at a later stage of the proceedings, if so desired.

7. List the matter on 23.02.2026.

JUDGE

JUDGE

Comparing Assistant