

GAHC010276752025



**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 : 24-02-2026**

*(K.R. Surana, J)*

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

2. As indicated in the order dated 23.02.2026, the respondent no.1 have been taken into custody on 22.02.2026 along with the minor child of the petitioner and the respondent no.1.

3. Pursuant to order dated 23.02.2026, Sri Akash Jyoti Saikia, Sub-Inspector of Police and the Officer-in-Charge of Hatigaon P.S. Case No.3/2026 is personally present and has produced the minor child (name withheld).

4. The Court had called the minor child in the Chambers for interaction.

During interaction, we have noticed that the child desires to stay with the mother. On explaining the situation to the minor child that the mother is in custody and therefore how he would like to spend his time, the child with great clarity has submitted that for time being he would then reside with his father but he expresses an option to again go back to the Child Care Centre. Accordingly, the Court is inclined to interact with the petitioner who is also present in person and in course of interaction, the petitioner has accepted the request of the Court to visit the jail or any other place where the mother is held in custody along with the minor child and to interact with the respondent no. 1 to make an attempt to make an out of Court settlement of all their marital disputes.

5. Having interacted with the child, we have noticed that he has clarity in his thoughts and expressions. Accordingly, we hope and trust that the petitioner and the respondent no.1, in the best interest of the child would make an attempt to reconcile their marital life so that the child is not deprived of the love and affection of both the parents.

6. We have noticed that the IO who has produced the child has brought him before the Court with all care and affection and we appreciate his sincere efforts in tracing out the child. We are inclined to authorize the IO of Hatigaon P.S. Case No.3/2026 to interact with the minor child atleast once a day and as and when desired by the child he can be taken to visit his mother (i.e. respondent no.1).

7. It is provided that all concerned including the Superintendent of the concerned jail or any other authority under whom the respondent no.1 (name withheld) is in custody, shall cooperate with the IO so as to enable the

interaction between the child and the respondent no.1. Similarly, the IO shall also facilitate the petitioner to visit the place where the respondent no.1 is detained so as to enable both of them to interact with each other so that the matter can be settled out of the Court. The Court would also appreciate if the learned counsel assisting the senior counsel for the petitioner would also visit the jail or any other place where the respondent no.1 is in custody so as to see that both sides can arrive at a settlement.

8. As the minor child has expressed his desire to stay with the mother, the IO of Hatigaon P.S. Case No.3/2026 shall do the needful so that the child can be released in the custody of the petitioner. The IO shall also permit the petitioner to accompany the child to visit his examination centre for appearing in his ensuing final examination from 06.03.2026.

9. As nothing more survives in the *habeas corpus* petition, on production of the minor child, the Court is inclined to close this petition upon satisfaction.

10. Let a copy of this order be made a part of Contempt Case (C) 5/2025 and Mat. App. 20/2024 only for record.

11. Any observations made herein shall not prejudice any respective matrimonial proceedings.

12. Any authority before whom the downloaded copy of the order is produced for the purpose of visitation right of the child with the respondent no.1, such authority shall accept the downloaded copy of the order to do the needful. If any authority has any doubt in regard to the correctness of the order, they can visit the online portal of this Court to verify the correctness of the order.

13. We close the matter as indicated above. However, with all hope and trust that the child produced before us will do well in life despite the present adverse circumstances which he is facing.

**JUDGE**

**JUDGE**

**Comparing Assistant**