

GAHC010277082025



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

Case No. : Crl.Pet./1577/2025

LITUL BORAH AND ANR
S/O-ROMESH BORAH, SESSA KAKH GAON, SESSA KASA, DIBRUGARH,
ASSAM, PIN-786184.

2: LAKHINDRA BORAH
S/O-ROMESH BORAH
SESSA KAKH GAON
SESSA KASA
DIBRUGARH
ASSAM
PIN-786184

VERSUS

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

2:SIKHAR BORDOLOI
INSPECTOR SECURITY
FOR CHIEF GENERAL MANGER-SECURITY
FOR RESIDENT CHIEF EXECUTIVE

Advocate for the Petitioner : MR B P BORAH, MISS. J GOGOI,MR. A KHANDAKAR,MR P J DUTTA

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : --18.12.2025

Heard Mr. P.K. Goswami, learned Senior Counsel assisted by Mr. B.P. Borah, learned counsel for the petitioners and Ms. A. Begum, learned Additional Public Prosecutor for the respondent State.

2. This application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 read with Article 226 of the Constitution of India is preferred seeking setting aside of a First Information Report [FIR] registered as Tengakhat Police Station Case no. 45/2025 under Section 303[2], Bharatiya Nyaya Sanhita, 2023 read with Section 3[2][a] of the PDPP Act read with Sections 15[2] / 15[4] of the Petroleum and Minerals Pipelines Act.

3. Mr. Goswami, learned Senior Counsel referring to the FIR has submitted that the two petitioners were merely seen near at the alleged pipeline wherein the informant and his team noticed installation of tapping point for pilferage. Certain items were found near the alleged place of occurrence. He has submitted that it is not mentioned that those articles/items belonged to any of the petitioners.

4. Issue notice, returnable on 09.01.2026.

5. As Ms. Begum, learned Additional Public Prosecutor has appeared and accepted notice for the respondent State, formal notice need not be issued to the said respondent. Mr. Borah, learned counsel for the petitioners shall furnish an extra copy of the criminal petition along with the annexures, to Ms. Begum within 2 [two] working days from today.

6. The learned Additional Public Prosecutor shall produce the Case Diary of Tengakhat Police Station Case no. 45/2025 on the next date of listing.

JUDGE

Comparing Assistant