

GAHC040004192021



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

Case No. : Crl.Petn. 21/2021

1:Er. Marto Riba and 4 Ors.
PRESENTLY EXECUTIVE ENGINEER, RWD SEPPA DIVISION, PO/PS SEPPA,
DIST. EAST KAMENG, AP.

2: DR. TALE GONGO
R/O ABO TANI COLONY
DAPORIJO
UPPER SUBANSIRI DISTRICT
AP.

3: ER. LOGO RANG
R/O RANG VILLAGE
LONGDING
PO/PS SEPPA
DISTRICT EAST KAMENG
AP.

4: SHRI R.L.SERA @ RENIA TAMIN
RESIDENT OF DAPORIJO
PO/PS DAPORIJO
DISTRICT UPPER SUBANSIRI
AP.

5: SHRI KACHO TAKU
BAZARLINE
SEPPA NEAR ABOTANI DRUNG HOUSE
SEPPA
DISTRICT EAST KAMENG
AP

VERSUS

1:THE STATE OF AP AND 2 ORS.

REPRESENTED BY LEARNED PUBLIC PROSECUTOR.

2:SHRI TAJE TAJO
ANE DONYI COLONY-II
SEPPA
PO/PS SEPPA
DIST. EAST KAMENG
A P.

3:SHRI PAPU DADA
NYARI WELLY MODEL VILLAGE
SEPPA
PO/PS SEPPA
DIST. EAST KAMENG
AP

Advocate for the Petitioner : Lissing Perme

Advocate for the Respondent : T. Ete, Addl. P P of AP

BEFORE
HONBLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 22-04-2021

Heard the learned counsel, Mr. L. Perme, appearing for the petitioners. Also heard the learned Additional Public Prosecutor, Mr. T. Ete, appearing for the State respondent No. 1.

The only question in this Criminal Petition is as to whether without previous sanction a Magistrate is empowered to order investigation against a public servant while invoking powers under Section 156 (3) of the Cr.P.C.

Issue notice to the respondents.

As Mr. Ete, the learned Additional Public Prosecutor, has entered appearance and accepted notice on behalf of the State respondent No. 1, no normal notice is required to be issued to the said respondent. However, requisite extra-copies of the petition be served upon him.

The petitioner is directed to take steps for service of notice upon the private respondent Nos. 2 & 3 by registered post with A/D as well as by other usual process.

Call for the scanned copy of the LCR.

List the matter after 6 (six) weeks.

Till the returnable date, it is hereby directed that the further proceeding in G.R. Case No. 45/2018, pending in the Court of Chief Judicial Magistrate, Seppa, East Kameng District, Arunachal Pradesh, shall remain suspended.

JUDGE

Comparing Assistant