

GAHC040008472020



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

Case No. : PIL 12/2020

1:Karpu Chisi
D/O SHRI SENKAR CHISI, NEAR PWD OFFICE, MOWB-II, ITANAGAR,
PAPUM PARE, AP.

VERSUS

1:THE UNION OF INDIA AND 8 ORS.
THROUGH THE DEFENCE SECRETARY, MINISTRY OF DEFENSE, GOVT. OF
INDIA, CENTRAL SECRETARIAT, SOUTH BLOCK, NEW DELHI.

2:THE STATE OF AP
THROUGH THE CHIEF SECRETARY
GOVT. OF AP
ITANAGAR.

3:THE COMMANDING OFFICER OF 19TH SIKH REGIMENT
LONGDING
DISTRICT LONGDING
AP.

4:THE DIRECTOR-GENERAL OF POLICE AP.
POLICE HEADQUARTERS
CHANDRANAGAR
ITANAGAR
AP.

5:THE SUPERINTENDENT OF POLICE
LONGDING DISTRICT
AP.

6:MINISTRY OF HOME AFFAIRS
THROUGH THE SECRETARY
GOVT. OF INDIA

NORTH BLOCK CABINET SECRETARIAT
RAISIMA HILL
NEW DELHI.

7:THE COMMISSIONER
HOME
GOVT. OF AP
ITANAGAR CIVIL SECRETARIAT
PO/PS ITANAGAR
AP.

8:THE GENERAL OFFICER COMMANDER-IN-CHIEF (COG-IN-C) EASTERN
COMMAND OF INDIAN ARMY
FORT WILLIAM KOLKATA WEST BENGAL

9:The Superintendent of Police
Crime Branch (SIT)
Police Headquarter Chandranagar. A.

Advocate for the Petitioner : Sunil Mow

Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MR. JUSTICE KALYAN RAI SURANA
HONBLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 08-03-2022
(K. R. Surana, J.)

Heard Mr. S. Mow, learned counsel for the petitioner; Mr. R. H. Nabam, learned Additional Advocate General assisted by Ms. P. Pangu, learned Government Advocate appearing for the respondent nos. 2, 4, 5 & 7 and Mr. O. Pada, learned standing counsel for the SIT, respondent No. 9. There is no representation by CGC for respondent nos. 1, 3, 6, & 8.

The learned counsel for the petitioner has submitted that though the State had ordered a magisterial enquiry, but the enquiry could not be concluded and that as per the status report filed by way of an affidavit on

18.01.2022, the S.I.T. has projected that the report from the Central Forensic Science Laboratory is still awaited.

We find that in cases where this Court has been called upon to adjudicate the matter relating to alleged killing by the army personnel or any other armed forces, judicial enquiry is normally directed to be conducted by the jurisdictional District Judge. It is submitted at the Bar that the alleged killing took place in the district of Longding, which does not have any judicial district and that the learned District Judge, Tirap at Khonsa exercise jurisdiction over the Longding district.

Therefore, in the interest of an impartial enquiry, the Court is inclined to direct that a Judicial Enquiry be conducted by the learned District Judge, Tirap at Khonsa and to submit a report after the conclusion of enquiry. Said enquiry should be conducted preferably within a period of 3 (three) months. It is further provided that on the expiry of three months, the learned District Judge, Tirap at Khonsa shall send a report to the Court as to the status of the enquiry.

Registry shall send a copy of this order along with a copy of the writ petition as well as the copies of the affidavits filed by the respondents to the learned District Judge, Tirap at Khonsa.

The Registry shall list the matter on receipt of the report of the learned District Judge, Tirap at Khonsa.

JUDGE

JUDGE

Comparing Assistant