

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
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

Advocate for the Petitioner : Sunil Mow

Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MR. JUSTICE NANI TAGIA
HONBLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

19.02.2021

(Nani Tagia J.)

Heard Mr. Sunil Mow, learned counsel for the petitioner.

Also heard Mr. Ninnong Ratan, learned CGC, appearing on behalf of respondents Union of India; and Mr. Y. Riram, learned Government Advocate, appearing on behalf of Respondents No. 2, 4 & 5.

On 27.01.2021, this Court had passed the following order:

“Ms. K. N. Maling, learned counsel appears for the petitioner, Mr. R. H. Nabam, learned Additional Advocate General for the State of Arunachal Pradesh appears on behalf of the respondent Nos. 2, 4 and 5 and Mr. N. Ratan, learned CGC appears for the respondent Nos. 1 and 3.

It is submitted by the learned counsel for the petitioner and learned Additional Advocate General that the investigation and the Magisterial enquiry conducted on the incident could not be completed due to non cooperation of the respondent No. 3.

We expect the respondent No. 3 to cooperate in the ongoing investigation and the Magisterial enquiry which are conducted in connection with the incident that happened on the 16.05.2020 at the village Pumao, District Longding where many of the villagers were alleged to have been tortured and one of them was allegedly killed by the 19th Sikh Regiment.

List it again after 3 (three) weeks. If by then the investigation and the enquiry are completed, the learned Additional Advocate General shall submit the copies of the same.

Let a copy of this order be furnished to Mr. N. Ratan, learned CGC to enable him to communicate the same for compliance.”

Though on 27.01.2021, the learned Addl. Advocate General, Arunachal Pradesh, had appeared in the matter but today, on behalf of the State Government, Mr. Riram, learned Government Advocate, has appeared and submits that he has not received any instruction in the matter, as yet.

On the other hand, Mr. Ratan, learned CGC, submits that respondent No. 3 is cooperating with the

investigation of the case made by the Arunachal Pradesh Police, however, none of the official respondents have filed any affidavit to that effect.

From perusal of Paragraph No. 11 of the instant petition, we find that there are 2(two) First Information Reports registered as LDG/PS/Case No. 26/2020 u/ss. 144/148/186/332/353 IPC as well as LDG/PS/Case No. 27/2020 u/ss. 304/326/34 IPC, respectively.

As no counter affidavits or pleadings have been filed by the respondents, we are hereby giving liberty to the respondents to file their respective counter affidavits, if so advised.

In the meantime, we further deem it appropriate to direct the I.O. of the aforesaid two cases, to file the status report(s) in connection with above-noted 2(two) cases, before this Court, by 1st of March, 2021.

The learned Government Advocate shall ensure compliance of the Court's order, passed today, for which, a copy of this order be furnished to Mr. Riram, learned Government Advocate, during the course of the day.

List it accordingly, on 1st of March, 2021, as prayed for.

JUDGE

JUDGE

Comparing Assistant