

GAHC040010602025



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

Case No. : Crl.Petn./141/2025

Vijay Duping
Son of Tateng Duping, permanent resident of Gapo Village, PO and PS Mechuka, Shi
Yomi District, Arunachal Pradesh. 791003

VERSUS

The Sate of AP and 6 Ors
represented by the PP of AP 2:Ravindra Singh
Age: 51
Occupation :
Son of Late Balwant Singh
resident of Knnu Village
Po and PS Gonda
Aligarh District
Uttar Pradesh and presently posted under SP Shi Yomi at Tato Police Station
Tato Shi Yomi District
Arunachal Pradesh.

3:Dinesh Gaur
Age: 40
Occupation :
Son of Tufani Gaur
resident of Silapathar
Mazgaon PO and PS Silapathar
Dhemaji District
Assam

4:Kenjom Doke
Age: 27
Occupation :
Son of Siken Doke
resident of Pushi Doke Village
PO and PS Aalo

West Siang District
Arunachal Pradesh. 791001

5:Natnial Mondal
Age: 38
Occupation :
Son of Shri Buda Mondal
resident of Silapathar
PO and PS Silapathar
Dhemaji District
Assam.

6:Apu Bora Gohain
Age: 30
Occupation :
Son of Subash Bora Gohain
resident of Mazgaon
PO and PS Silapathar
Dhemaji District
Assam.

7:Raja Basumatary
Age: 24
Occupation :
Son of Bahadur Basumatary
resident of Silli
PO and PS Silapathar
Dhemaji District
Assam

Advocate for the Petitioner : Reken Ingo, Sonam Tsomo,S Ahmed,Dani Rieyang,Kipa Yabi,Jumken Ete,Aruna Rai,S D Loda

Advocate for the Respondent : P P of AP,

B E F O R E
HON'BLE MRS. JUSTICE SHAMIMA JAHAN
ORDER

30.06.2025

Heard Mr. R Ingo, learned counsel for the petitioner as well as D Loyi,
learned Public Prosecutor. This is a petition filed under 528 of the BNSS, 2023

for quashing of the criminal proceeding arising out of Sessions Case No. 4/2021 pending before the District & Sessions Judge, Aalo Sessions Division, Aalo, West Siang District.

The prosecution case as it is revealed from the FIR dated 28.06.2020, lodged by the Police Officer of Tato Police Station, is that on 27.06.2020 at about 9:00 pm, respondent Nos. 3 to 6 who are the truck drivers were coming from Mechuka and while they were on their way, 6 (six) youths in Maruti Car blocked their road by parking their car in the middle of the road and that they stopped the trucks, snatched the keys from the truck drivers and checked the lockers of the truck and when they did not find any money there, they searched the body of the truck drivers and forcefully took away whatever cash they could get from them. It was also alleged that they threatened the drivers as well as went inside the truck and searched the vehicle thoroughly, but in the meantime, one local person arrived and that the accused persons fled from the scene. On receipt of the FIR, the Police registered the case under Section 341/395/506 of the IPC. During the investigation, the Police found out the accused persons and the petitioner was one amongst them. On completion of the investigation, the Police submitted charge-sheet, vide charge-sheet No. 7/2020 dated 04.10.2020 and submitted the same before the Court below. Thereafter, the learned Court

of the District & Sessions Judge, Aalo Sessions Division, Aalo, West Siang District, after hearing the accused persons as well as the Public Prosecutor on point of charges, framed charge against the petitioner and two others under Section 341/395 read with Section 34 of the IPC.

The learned Court declared two of the accused persons as juveniles. Thereafter, the trial proceeded against the three accused persons amongst whom the petitioner was one. Altogether 12 persons were arrayed as witnesses in the instant case and out of them 9 witnesses were already examined during the trial.

Mr. R Ingo, learned counsel for the petitioner submits before this Court that the petitioner was not named in the FIR and in the charge-sheet, the Police did not place any materials to show the complicity of the petitioner in the present incident. He had placed the statements of the truck drivers adduced before the learned trial court during the trial and stated that none of them had named or had identified the petitioner to have committed the offence. He further states that since there are no materials against the petitioner being collected so far, he prays that the instant proceeding may be quashed for the ends of justice.

Mr. D Loyi, learned Public Prosecutor has however submitted that the records may be called for and the victims may be heard. He further stated that

since the offence in question is serious and as such, no quashing of the proceedings may be allowed in the instant case.

I have heard the counsels for the parties and have gone through the records.

It is noticed that since it is a case where six unidentified youths have been alleged to have stopped the vehicle and had forcefully snatched the cash amount from the drivers of the said vehicle and they are not known persons to the victims, the prosecution should have conducted the test identified parade in order to identify the accused persons involved in the offence. It is noticed that the same has not been done. It is also noticed that the truck drivers have not identified the petitioner before the learned trial court during their deposition in connection with the trial. One of them was declared hostile, the other one said that some boys had stopped the vehicle but did not identify the accused persons much less petitioner and the other truck driver stated before the Court that he does not recognize the accused persons.

In view of the same, this Court in the interim suspense/stays the further criminal proceedings in connection with the Sessions Case No. 4/2021 pending before the District & Sessions Court, Aalo, West Siang District, Aalo against the petitioner till the next returnable date.

Issue notice to the respondent Nos. 3 to 7, returnable by 3 weeks. Since Mr. D Loyi, learned Public Prosecutor appears for respondent Nos. 1 & 2, no formal notice is required to be given. Requisite extra copies may be furnished upon him during the course of the day. Petitioner to take steps for service of notice upon the said respondents by registered post with A/D or with usual process within 3 days.

List the matter after on 27.07.2025.

JUDGE

Comparing Assistant