

GAHC040013852024



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

Case No. : IA(C)/194/2024

Albert Mra
Son of Late Nyamin Mra, Resident of Tama Chung Chung PO Limeking, Upper
Subansiri District, Arunachal Pradesh.

VERSUS

Govind Mohan and 5 Ors
IAS, Home Secretary, Ministry of Home Affairs, Govt of India, North Block, New
Delhi 110001

2:Rahul Rasgotra
Age: 0
Occupation :
IPS
DG (ITBP) Block No.2
CGO Complex
Lodhi Road
New Delhi 110003

3:Mukesh Singh
Age: 0
Occupation :
IPS
IG
ITBP
North East Frontier
Itanagar
Arunachal Pradesh 791110

4:The State of Arunachal Pradesh
Age: 0
Occupation :
represented by the Secretary (Land Management) Govt of Arunachal Pradesh 791110

5:The Deputy commissioner
Age: 0
Occupation :
Upper Subansiri District
Daporijo
Arunachal Pradesh 791122

6:Vishal Anand
Age: 0
Occupation :
DIG
SHQ (LKB) ITMPF
PO Likabali
PS Likabali
Lower Siang District
Arunachal Pradesh. 79112

Advocate for the Petitioner : Radhe Yakang,

Advocate for the Respondent : GA (AP),

BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG

ORDER

Date : 19-01-2026

Heard Mr. S. Koyang, learned counsel for the applicant/petitioner. Also heard Mr. M. Kato, learned DSGI for respondent Nos. 1 to 3 along with Ms. P. Sangeeta, learned Government Advocate for the respondents.

2. Mr. S. Koyang, learned counsel for the applicant has filed the Interlocutory Application under Section 379 r/w Section 215 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023, to initiate prosecution proceeding against the respondent Nos. 1, 2, 3 & 6 for perjury, which is punishable under Section 229 of the Bharatiya Nyaya Sanhita (BNS), 2023.

3. The learned counsel for the applicant/petitioner submits that the connected WP(C) No. 343(AP)/2023 is for claiming of payment of compensation from ITBP for acquisition of the private land of the petitioner located at Tama Chung Chung under Limeking Circle in Upper Subansiri District, Arunachal Pradesh. The learned counsel submitted that the respondent No. 6 had filed his affidavit-in-opposition on behalf of the respondent Nos. 1 to 3 in WP(C) No. 343(AP)/2023 and by referring to the letters dated 14.10.2015 and 08.09.2017, which are letters written by the Commandant, 10th Bn, ITB Police, to the Deputy Commissioner, Upper Subansiri dated 14.10.2015 and 08.09.2017, the learned counsel submitted that the respondent No. 3 had admitted that the land under their possession is 187 acres, however, in their counter-affidavit filed at para 5, the respondent Nos. 1, 2, 3 & 6 had taken a stand that *after that ITBP took the possession of the land at TCC, the same was never demarcated by the concerned authority and that it is incorrect to say that the whole 187 acre of land is under the direct possession of the Assam rifles and ITBP thereafter from 2004.*

4. The learned counsel submits that this is a clear case of perjury, since the respondents have willfully given wrong information to this court. In support of his submission, he has relied on the judgment of the Apex Court in *In Re: Suo Motu Proceedings Against R. Karuppan, Advocate* reported in (2001) 5 SCC 289, wherein the Apex Court had considered the Suo Motu Contempt Petition (Criminal) No. 5/2020 and Writ Petition No. 77/2001, by observing that the respondent in his affidavit had wrongly made a statement *that regarding the age of Dr. Justice A.S. Anand has not been determined by the President of India in terms of Article 217 of the Constitution and the Apex Court was satisfied that such a statement supported by an affidavit of the respondent was known to him*

to be false, which he believed to be false and/or at least did not believe to be true. The Apex Court held that the respondent had made a false statement which constituted an offence of false evidence under Section 191 CPC punishable under Section 139 IPC. The Apex Court had authorized the Registrar General to depute an Officer to file a complaint under Sections 193 and 199 of the Indian Penal Code.

The learned counsel submits that a similar order may be passed by authorizing the Registrar of this High Court to depute an Officer for filing a complaint under Section 229 of the Bharatiya Nyaya Sanhita (BNS), 2023 against the respondents.

5. The learned counsel for the petitioner also submitted that the respondents had also given false information by submitting that the land was never demarcated by the concerned authority, whereas the letter dated 08.09.2017 clearly shows that the respondents were to issue re-demarcation order in respect of TCC posts at the earliest date.

6. Per contra, Mr. M. Kato, learned DSGI submits that the case relied upon by the learned counsel for the applicant/petitioner is not applicable in the instant case, since the respondents in their counter-affidavit filed at para 5 had simply mentioned that "*It is incorrect to say that the whole 187 acre of land is under the direct possession of the Assam rifles and ITBP thereafter from 2004*". The respondent authorities had relied upon the document furnished to them by the concerned authorities and therefore the respondents did not make any statement, which they believed to be false or believed to be untrue.

7. The learned DSGI further submitted that the area of land involved in the

connected WP(C) No. 343(AP)/2023 may be required to be verified, since the reports received by them from the concerned authorities are found inconsistent. He submitted that this is not the case of the respondents intending to give any false statement or false evidence as alleged and brought on record a copy of the document, wherein the total area of the land involved as per records seems to reflect 180 acre and not 187 acre. The document relied upon is marked "X" and made a part of the file.

8. The learned DSGI also submitted that it is the case of the respondents that the outcome of the Chain-Compass survey was found not acceptable by respondent Nos. 1 to 3 and was therefore required to be demarcated after the occupation of the land by ITBP. The learned counsel thus submitted that there was never any intention on the part of the respondents to give false information and commit an offence of perjury as claimed by the applicant/petitioner. It is also seen that the statement regarding the land being never demarcated by the concerned authority has been sufficiently explained by the learned DSGI.

9. On considering the submissions made by the learned counsels for both the parties, this court finds that the element of commission of an offence of perjury under Section 229 of the Bharatiya Nyaya Sanhita, 2023, does not appear to have been committed by the respondents, wherein the statement "*It is incorrect to say that the whole 187 acre of land is under direct possession of Assam rifles and ITBF thereafter 2004*", at para 5 of the counter-affidavit filed by the respondents was relied upon on the documents received and does not indicate that the respondent Nos. 1 to 3 had made such a statement believing that a statement would be false or did not believe the statement to be true.

This court is also satisfied with the explanation regarding the statement *that*

the land was never demarcated by the concerned authority, since the previous demarcations done are stated not to be found acceptable by the concerned respondent authorities.

10. For the above reasons, this court is of the considered view that the instant Interlocutory Application deserves to be dismissed and accordingly, I.A.(C) No. 194(AP)/2024 stands disposed of.

JUDGE

Comparing Assistant