

GAHC010082922024



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

Case No. : Crl.Pet./479/2024

NRIPEN CHANDRA NATH

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY PP ASSAM

2:SOUMITRA KR. BORAH

Advocate for the Petitioner : MR. A CHAUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
ORDER

29.04.2024

Heard Mr. B K Mahajan, learned counsel for the petitioner. Also heard Mr.

BB Gogoi, learned Additional Public Prosecutor, Assam.

This is an application under Section 482 Cr.P.C. filed by an accused in GR case No. 1059/2014 pending before the learned CJM, Karbi Anglong, Diphu with a grievance that though he is facing trial, the investigating officer has not yet appeared before the learned trial court to depose causing in delay in the trial.

The material discloses that the initial summon to appear and depose as witness to the I/O was issued on 18.07.2022 and such date of appearance continued till 30.03.2024. Thus, almost two years of delay has been caused only for non-examination of investigation officer. Such situation cannot be allowed to continue inasmuch as an accused is having right of speedy trial.

The aforesaid witness is a police official and therefore, this court would like to have instruction as regards the prosecuting policy of the state in this regard and also as to how they are proposing to deal with this kind of situation.

Accordingly, Mr. Gogoi, the learned Additional Public Prosecutor shall obtain instruction from the Director General of Police, Assam. A copy of this order be furnished to Mr. Gogoi, learned Additional Public Prosecutor.

List this matter on 03.05.2024.

JUDGE

Comparing Assistant