

TRHC010015432026



2026:THC:1134-DB

**HIGH COURT OF TRIPURA
AGARTALA
W.P.(CRL) NO.13 OF 2026**

BILLAL MIAH, son of Ali Akbar, (aged about 31years), resident of Madhyapara, P.O+P.S.-Melaghar, Sub-Division-Sonamura, District-Sepahijala, Tripura, Pin-799115.

..... The Petitioner(s)

Vs.

1. THE STATE OF TRIPURA, represented by its Secretary, Home Department, Government of Tripura, New Capital Complex, PO-Kunjaban, PS-New Capital Complex, Agartala, District-West Tripura, Pin-799010;
2. THE DIRECTOR GENERAL OF POLICE, Tripura, Police Headquarters, Akhaura Road, Fire Brigade Chowmuhani, PO-Agartala-799001, PS-West Agartala, District-West Tripura;
3. THE SUPERINTENDENT OF POLICE, Sepahijala District, Bishramganj, District- Sepahijala, Tripura;
4. THE OFFICER-INCHARGE, Bishalgarh Police Station, P.O.+ P.S. Bishalgarh, District- Sepahijala Tripura;
5. OFFICER-INCHARGE, Sonamura Police Station, P.O. + P.S. Sonamura, District- Sepahijala Tripura;
6. Sri Banijoy Reang, Sub-Inspector of Police, Bishalgarh Police Station. P.O + P.S-Bishalgarh, Dist-Sepahijala Tripura.
7. Sri Supratim Deb, Inspector of Police, Bishalgarh Police Station, P.O.+ P.S- Bishalgarh Dist. – Sepahijala Tripura.

.....The Respondent(s)

For the Petitioner(s)

: Mr. Sankar Lodh , Advocate.
Mr. K. Roy, Advocate.
Mr. S. Majumder, Advocate.
Mr. C. Debnath, Advocate.
Mr. Gopal Singh, Advocate.

For the Respondent(s) : Mr. R. Datta, P.P.
Mr. D. Biswas, Advocate.
Mr. A. Kar, Advocate.
Mr. K. Pandey, Advocate.

Date of hearing and delivery of
Judgment & Order : 18/08/2026

Whether fit for reporting : YES/NO.

HON'BLE JUSTICE DR. T. AMARNATH GOUD
HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA
JUDGEMENT AND ORDER(ORAL)

1. Heard Mr. Sankar Lodh, learned counsel appearing for the petitioner as well as Mr. R. Datta, learned P.P., appearing for respondents No.1 to 5 and Mr. D. Biswas, learned counsel appearing for respondents No.6 and 7.
2. This matter was initially registered as W.P.(C) No.183 of 2026. However, on 17.08.2026, upon the submission made by the learned counsel for respondents No. 6 and 7 that the matter pertains to criminal jurisdiction and ought to be placed before a Division Bench, which was supported by the learned Public Prosecutor, the matter was converted into a Writ Petition (Criminal) and accordingly listed before this Division Bench.
3. The brief fact of the case is that on 21.02.2026, the petitioner along with his two brothers proceeded towards Agartala for selling some golden ornaments and gold bars for collecting fund for treatment of his brother. When they reached Bishalgarh College, they were stopped by S.I. Banijoy Reang and two other constables, and thereafter, they were initially brought to Tea Garden, and lastly, they were brought to Bishalgarh police Station. In the Tea Garden at the search, the police personnel found the gold ornaments and gold bars in the vehicle. Lastly after taking them Bishalgarh Police Station, they were detained whole day, and lastly in the evening they were allowed to go to home. It may be mentioned herein that after taking them to police station, the gold ornaments and gold bars were kept in the

vehicle, and the key of vehicle was taken by S.I. Banijoy Reang. In the evening when they were allowed to go home, they found that the back door of the vehicle was opened and gold ornaments were missing. The petitioner also received threat calls from police. Lastly on 26.02.2026, they went to Sonamura PS to lodge the case, but the respondent No.5 refused to accept the FIR, and finding no other alternative, they also approached the respondent No.3 by letter dated 28.2.2026, but till date FIR has not been registered.

4. Hence, this writ petition has been filed seeking the following reliefs:-

“(1) ISSUE RULE calling upon the respondents and each one of them, to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued for calling for the records, lying with the official respondents, for rendering substantial and conscionable justice to the petitioner;

(1) ISSUE RULE calling upon the respondents to show cause as to why a Writ of Mandamus and/or in the nature thereof, mandating/directing the respondent Nos. 1 and 2 to take appropriate action against respondent Nos. 3 and 5 for violation of statutory mandates as enshrined in Section 173(1) and Section 173(4) of the Bharatiya Nagarik Suraksha Sanhita, 2023, and also direct the respondent No.5 to register the Zero FIR, and thereafter, sent the same to respondent No.4 to register a specific case and also direct the respondent No.2 to take appropriate steps for investigation of the case by a senior competent police official apart from officials of Bishalgarh Police Station, and also direct the respondents to preserve the CCTV footage of Bishalgarh Police Station on entire day of 21.02.2026;

(iii) After hearing the parties, be pleased to make the Rules absolute in terms of Prayers (i) and (ii) above;

AND/OR

Any other relief(s) as to this Hon'ble High Court (iv) may deem fit and proper;”

5. Mr. Sankar Lodh, learned counsel appearing for the petitioner, submitted that the respondents-police officials have misappropriated and stolen the gold bars and ornaments belonging to the petitioner. It is contended that the complaint clearly discloses the commission of cognizable offences under the Bharatiya Nyaya Sanhita,

2023, attracting punishment exceeding seven years, and by virtue of Section 173 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), the police authorities were duty-bound to register an FIR immediately. It is further argued by the learned counsel that there are material contradictions between the counter-affidavit of the State respondents, which mentions prior information regarding gold bars in the vehicle, and that of the private respondents, which refers to suspected illegal items. Learned counsel further submitted that though respondents No. 6 and 7 contended that the vehicle was brought to Bishalgarh Police Station for thorough inspection but no formal search procedure was carried out on record. Learned counsel submits that while the respondents asserted that nobody entered the vehicle inside the police station premises and that it remained stationary, the preliminary enquiry report submitted by the Additional Superintendent of Police reveals that respondent No. 6 entered the vehicle twice inside the station premises and that the vehicle was shifted from one spot to another, thereby corroborating the petitioner's complaint. Learned counsel also submitted that the Officer-in-Charge demanded gold and pressured the petitioner for an compromise. Learned counsel, therefore, prayed for registration of the FIR and proper action against the errant officials.

6. Mr. Debjit Biswas, learned counsel appearing for respondents No. 6 and 7, submitted that the concerned police station is under CCTV surveillance, and the relevant footage has already been secured by higher authorities, which does not disclose any removal of articles from the vehicle. Learned counsel further argued that the petitioner never approached the jurisdictional Magistrate under the statutory procedure for registration of the complaint. Learned counsel further submits that the allegations leveled against the police officers are baseless, and the petitioner has failed to produce any receipts, or lawful documents establishing ownership of the gold. It is contended that the police intercepted the vehicle based on credible source information regarding the transit of suspected illegal items, and the vehicle was taken to the police station solely for convenient and thorough checking.

7. Mr. R. Datta, learned Public Prosecutor appearing for respondent Nos. 1 to 5, submitted that upon discovering procedural irregularities specifically taking the vehicle to a tea garden rather than immediately to the police station, disciplinary action was initiated and respondent No. 6 has been placed under suspension. The learned Public Prosecutor submitted that generalized allegations made against the entire police station without concrete backing cannot be sustained. It is further submitted that scrutiny of the CCTV footage did not substantiate the allegation of theft or confiscation of gold bars either from the vehicle or inside the police station. Learned Public Prosecutor highlighted that neither the Officer-in-Charge nor respondent No. 7 entered or touched the vehicle. Only respondent No. 6 was found to have approached it. Learned P.P., submitted that the petitioner has not placed any cogent evidence establishing ownership of the alleged gold bars.

8. Having heard the learned counsel for the parties and after perused the records, this Court finds that the admitted conduct of taking the intercepted vehicle to an isolated tea garden instead of the nearby Police Station which was barely 2.5 kilometers away as verified from learned counsel appearing from respondent No.6 and 7 raises serious concerns. When a citizen lodges a specific complaint disclosing the commission of cognizable offences involving alleged misappropriation and high-handedness by police personnel, the statutory mandate under Section 173 of the Bharatiya Nagarik Suraksha Sanhita, 2023 requires the registration of an FIR and an impartial investigation. Whether the petitioner holds lawful ownership and valid receipts for the gold bars, or whether the allegations of misappropriation against the respondent police officials are substantiated, are matters that can be determined only by way of through, independent and comprehensive investigation.

9. In view of the above discussion, the present writ petition is allowed. The respondent authorities are directed to ensure that the written complaint submitted by the petitioner be registered. The State-respondents shall take steps to appoint a Senior Officer of Crime Branch to look into the

matter and investigate and thereafter take steps in accordance with law. The entire record pertaining to this case be transferred to the Senior Officer of Crime Branch for conducting an independent, fair, and expeditious investigation in accordance with law.

10. As a sequel stay if any stands vacated. Pending application(s), if any also stands closed.

S. DATTA PURKAYASTHA, J

DR. T. AMARNATH GOUD, J

Suhanjit

