

GAHC010133182020



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

Case No. : WP(C)(Suo Moto)/3/2020

DESIGNATED COURTS FOR MPs/ MLAs
GUWAHATI, ASSAM

VERSUS

STATE OF ASSAM
REPRESENTED BY THE CHIEF SECRETARY, JANATA BHAWAN, DISPUR,
GUWAHATI - 781006

2:STATE OF NAGALAND
REPRESENTED BY THE CHIEF SECRETARY
NAGALAND CIVIL SECRETARY
KOHIMA - 797004

3:STATE OF MIZORAM
REPRESENTED BY THE CHIEF SECRETARY
MIZORAM SECRETARY
AIZAWL - 796001

4:STATE OF ARUNACHAL PRADESH
REPRESENTED BY THE CHIEF SECRETARY
CIVIL SECRETARIAT
ITANAGAR - 791111

5:THE ADDL. CHIEF SECRETARY TO THE GOVT. OF ASSAM

HOME AND POLITICAL (A) DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI - 781006

6:THE SPECIAL SECRETARY TO THE GOVT. OF NAGALAND

HOME DEPARTMENT
NAGALAND CIVIL SECRETARIAT
KOHIMA - 797004

7:THE CHIEF SECRETARY TO THE GOVT. OF MIZORAM
HOME DEPARTMENT
MIZORAM SECRETARIAT
NEW CAPITAL COMPLEX
AIZAWL - 796001

8:THE COMMISSIONER TO THE GOVT. OF ARUNACHAL PRADESH
HOME DEPARTMENT
CIVIL SECRETARIAT
ITANAGR - 791111

9:THE DIRECTOR GENERAL OF POLICE
ASSAM
POLICE HEADQUARTERS
ULUBARI
GUWAHATI - 781001

10:THE DIRECTOR GENERAL OF POLICE
NAGALAND
POLICE HEADQUARTERS
P. R. HILL
KOHIMA - 797001

11:THE DIRECTOR GENERAL OF POLICE
MIZORAM
POLICE HEADQUARTERS
KHATLA
AIZAWL - 796001

12:THE DIRECTOR GENERAL OF POLICE
ARUNACHAL PRADESH
POLICE HEADQUARTERS
CHANDRANAGAR
ITANAGR

13:THE ADDL. DGP (PROSECUTION)
ASSAM
ASSAM POLICE HEADQUARTERS
ULUBARI
GUWAHATI - 78100

Advocate for the Petitioner : MR. T J MAHANTA(SC, GHC)

Advocate for the Respondent : SC, AG

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 08/05/2024
Suman Shyam, J

This Suo-Moto proceeding has been registered in terms of the judgement and order dated 9/11/2023 passed by the Hon'ble Supreme Court in WP(C) 699/2016, laying down certain guidelines for expeditious disposal of cases pending against MPs/MLAs.

After the reconstitution of this Monitoring Bench, the matter has been listed for the first time before this Special Bench along with the connected proceedings, viz. CrI. Pet. 931/2019, CrI. Pet. 1289/2019, CrI. Pet. 483/2022, CrI. Pet. 732/2015, CrI. Pet. 517/2016, CrI. Pet. 1134/2018, CrI. Pet. 929/2022, CrI. Pet. 930/2022 and CrI. Pet 303/2015.

The cases pending against the MPs/MLAs in the 4 (four) States, viz. Assam, Nagaland, Mizoram and Arunachal Pradesh coming within the jurisdiction of this High Court have been reflected in the table furnished in para 12 of the order dated 09/11/2023. However, we do not find any updated status report on record for passing fresh order(s) by the Monitoring Bench.

Under the circumstances, this Court is of the opinion that a report from the Registry would be necessary so as to facilitate further order that can be passed in this Proceeding.

We, therefore, direct the Registrar General to collate relevant informations and present a status report indicating the followings:-

- (i) Number of cases along with the present status of the cases pending before the Principal Seat at Guwahati as well as the out-lying Benches of the Gauhati High Court, pertaining to MPs and MLAs.

- (ii) Stay order(s), if any, operating in these matters coming in the way of expeditious trial/disposal of these cases with specific particulars thereof.

A similar exercise be also carried out with regard to the cases pending before the District Courts as well as in the Court of learned Special Judge(s) in the aforementioned 4 (four) States.

The report, as called for by this Court, be placed on record before the next date of hearing.

List this case again on 31/05/2024 along with CrI. Pet. 931/2019, CrI. Pet. 1289/2019, CrI. Pet. 483/2022, CrI. Pet. 732/2015, CrI. Pet. 517/2016, CrI. Pet. 1134/2018, CrI. Pet. 929/2022, CrI. Pet. 930/2022 and CrI. Pet 303/2015.

Copy of this order be furnished to the Registrar General as well as the learned AGs/AAGs of the State of Assam, Nagaland, Mizoram and Arunachal Pradesh.

JUDGE

JUDGE

sukhamay

Comparing Assistant