

GAHC010133182020



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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, MS. M KECHII, LEARNED SR. GA ADV.,

NAGALAND,MR. D. MAZUMDAR, ADDITIONAL ADVOCATE GENERAL, ASSAM (Resp. Nos. 1, 5, 9 & 13), ADDITIONAL ADVOCATE GENERAL,MIZORAM. (Resp. Nos. 3, 7 & 10),MR. A. CHANDRAN, ADDITIONAL SENIOR GOVERNMENT ADVOCATE, ARUNACHAL PRADESH. (Resp. Nos. 4, 8 & 12),MS. T. KHRO, GA,NAGALAND(Resp.Nos. 2, 6 & 10)

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

ORDER

Date : 09-12-2024

Suman Shyam, J

Heard Mr. P.P. Dutta, learned counsel appearing on behalf of Mr. T.J. Mahanta, learned Sr. counsel who is reportedly busy in another Court. Mr. B.D. Goswami, learned Addl. A.G. Arunachal Pradesh, Ms. P. Bhattacharyya, learned Addl. A.G. Mizoram and Ms. M. Kechi, learned Addl. A.G. Nagaland have all submitted that they are yet to receive the copy of the report dated 25-07-2024 submitted by the Registrar General of the Gauhati High Court.

From a perusal of the report dated 25-07-2024, it appears that as many as 20 criminal petitions/ criminal revision petitions involving MPs/ MLAs are pending before the Principal Seat of this High Court. The report further discloses that these matters have been listed from time to time. However, there is no material available on record to indicate the progress made therein till date. Insofar as the district judiciary is concerned, the report mentions about a number of pending cases involving the MPs/ MLAs. However, from the said report it is not possible to ascertain as to the progress, if any, that might have been made in those cases, since the filing of the report dated 25-07-2024.

In view of the above and taking note of the overall facts and circumstances of the case, we issue the following directions:-

1. Copies of the report dated 25-07-2024 be furnished to the learned Addl. Advocate Generals of the State of Arunachal Pradesh, Mizoram and Nagaland within a week from today so as to enable them to come up with their response.
2. Insofar as the 20 criminal petitions/ criminal revision petitions pending before the Principal Seat of this High Court is concerned, the Registry to take necessary steps for listing all those cases before a Special Bench, within 10 days from today, after obtaining necessary approval of the Hon'ble Chief Justice in the administrative side. Once these matters are listed, it would be expected that the Special Bench so constituted for the purpose, shall take all possible steps for expeditious disposal of these cases.
3. Insofar as the cases pending before the district judiciary is concerned, an up-to-date status report, indicating the progress made therein since the filing of the report dated 25-07-2024, be brought on record, including the number of such cases disposed of, so far, if any.

Subject to availability of this Bench at Guwahati, let this matter be listed again on 28-01-2025.

JUDGE

JUDGE

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Comparing Assistant