

GAHC010100752021



WWW.LIVELAW.IN

THE GAUHATI HIGH COURT

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

Case No. : Crl.A./121/2021

THE STATE, NATIONAL INVESTIGATION AGENCY
MINISTRY OF HOME AFFAIRS, GOVT. OF INDIA, REPRESENTED BY THE
SUPT. OF POLICE, NIA, BRANCH OFFICE, GUWAHATI ASSAM

VERSUS

AKHIL GOGOI AND 3 ORS
S/O LATE BOLURAM @BOLU GOGOI
RESIDENT OF LUKRAKHANGAON SEINGHAT, PS TEOK, DIST JORHAT,
ASSAM 785636

2:SHRI DHIRJYA KONWAR @ DHAIJA KONWAR @ DHAJYA KONWAR
S/O NIREN KONWAR
R/O RUPAHIBAM GAON
PS DEMOW
PO UDAIPUR
DIST SIVASAGAR
ASSAM 785640

3:SRI MANAS KONWAR @ MANASH PRATIM KONWAR @
S/O DEBEN KONWAR @ DEVENDRA NATH KONWAR
RESIDENT OF CHETIA HANDIQUE
PO SILASAKU
PS SIMALGURI
DIST SIVASAGAR
ASSAM
785640

4:SHRI BITTU SONOWAL @ BITTU SONWAL @ BITU SONOWAL
S/O ROBIN SONOWAL
RESIDENT OF ASHOK NAGAR
NEAR 2ND AP BN. PS MAKUM
DIST TINSUKIA
ASSAM 78612

Advocate for the Petitioner : MR. R K D CHOUDHURY

Advocate for the Respondent :

WWW.LIVELAW.IN

BEFORE

HON'BLE MR. JUSTICE N. KOTISWAR SINGH

HON'BLE MR. JUSTICE SOUMITRA SAIKIA

:: O R D E R ::

14.07.2021

[N. Kotiswar Singh, J]

The present appeal has been preferred against the order dated 01.07.2021 passed by the learned Judge, Special Court, NIA, Assam, Guwahati in Spl.(NIA) Case No. 02/2020 (arising out of RC-13/2019/NIA/GUW) declining to frame charges under Sections 120B, 124A, 153A and 153B of the IPC and Sections 18 & 39 of the Unlawful Activities (Prevention) Act, 1967 by holding that no prima-facie case has been made out for framing of charges.

Heard Mr. D. Saikia, learned Advocate General, Assam as well as learned Senior Counsel for the NIA.

The appeal is admitted.

Issue notice, returnable within 3 (three) weeks.

Appellant shall take steps for service of notice upon the respondents by registered post with A/D. In addition, steps by dasti to the respective local police stations where the present respondents are staying is also permitted.

Call for the records in respect of Spl.(NIA) Case No.02/2020 (arising out of RC-13/2019/NIA/GUW) from the Special Judge's Court, NIA, Assam, Guwahati.

List the matter after 3 (three) weeks.

JUDGE

JUDGE

Comparing Assistant