

(2021) 07 GAU CK 0098

In the Gauhati High Court

Case No : Writ Petition (Civil) No. 2970 Of 2021

Basapi Kropi

APPELLANT

Vs

State Of Assam And 6 Ors

RESPONDENT

Date of Decision : 28-07-2021

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 306

Child And Adolescent Labour (Prohibition And Regulation) Act, 1986 — Section 14(1)

Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 1989 — Section 3(1)(va), 3(2)(v), 15

Juvenile Justice (Care And Protection of Children) Act, 2015 — Section 75, 79

Citation : (2021) 07 GAU CK 0098

Hon'ble Judges : Prasanta Kumar Deka, J

Bench : Single Bench

Advocate : A Chaudhury

Final Decision : Allowed

Judgement

Heard Mr. B. K. Mahajan, the learned counsel for the petitioner. Also heard Mr. D. Nath, the learned Additional Senior Government Advocate,

Assam who produced the letter dated 23.07.2021 addressed to the learned counsel by the Superintendent of Police, Nagaon, Assam. The contents

whereof is extracted herein below:-

â??Government of Assam

OFFICE OF THE SUPERINTENDENT OF POLICE

Nagaon, Assam, 782001.

Letter No. IV/WP(C)No.2970/2021/2020-21/7214 Dt. 23.07.2021

To,

Shri Dipankar Nath

Sr. Govt. Advocate, Assam,
Gauhati High Court, Guwahati
Ph. No. 98641-05614.

Sub: WP(C) No. 2970/2021 (Basapi Kropi Vs State of Assam & Ors.)

Ref: Your L/No. SRGA/DN/2021/4515 dtd.20.07.2021

Sir,

With reference to the subject cited above, I would like to inform you that Raha PS Case No. 97/2021 U/S 120(B)/302 IPC Add. Sec. R/W

3(W)(i)/3w(ii) of the Scheduled Casts and Scheduled Tribes (P) Act & R/W Sec. 14 of Child Labour Prohibition and Regulation Act has

already been Charge Sheeted on 20th June/ 2021 vide Raha PS CS NO. 79/21 Dtd. 20.06.2021 against (1) Shri Prakash Ch. Barthakur S/O

Lt. Harendra Nath Barthakur, Vill.- Khaigarh, PS-Raha, Dist.- Nagaon, Assam, (2) Smti Rina Borthakur, W/o Shri Prakash Borthakur, Vill.-

Khaigarh, PS- Raha, Dist.-Nagaon, Assam and (3) Shri Nayanjyoti Borthakur, S/O Shri Prakash Ch. Barthakur, Vill. Khaigarh, PS-Raha,

Dist.- Nagaon, Assam Under Section 120(B)/306 of Indian penal Code read with Section 14(1) of Child and Adolescent Labour (Prohibition

and Regulation) Act, read with Section 3(2)(v) and 3(1)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,

1989, read with sections 75 and 79 of Juvenile Justice Act (Care and protection of Children Act).

Yours faithfully,

Superintendent of Police,

Nagaon, Assam.

On perusal of the aforesaid contents of the letter dated 23.07.2021, the charge-sheet speaks of Sections 3(2)(v) and 3(1)(va) of the Scheduled Castes

and Scheduled Tribes (Prevention of Atrocities) Act, 1989 which stipulates trial of any such offence is to be carried out by the Special Court as

stipulated under Section 14 of the said Act and in order to conduct the prosecution, Special Public Prosecutor is required to be appointed under Section

15 of the said Act, 1989.

In view of speedy trial, Mr. Nath shall take necessary instruction as to whether the requirements referred hereinabove are looked into by the

respondent State and if so the tentative date from which the trial shall be initiated. In addition to that an observation was made by this court on

16.07.2021 referring the order dated 11.06.2021 in respect of the action initiated by the Home Department in order to curb the menace of child labour

for which it was further observed that a coordinated action from the Home Department is required.

In order to get the necessary instruction Mr. Nath sought four weeks time which is accordingly allowed.

List this matter on 31.08.2021. A copy of this order shall be allowed to be taken by Mr.

Nath for onward transmission to the respective department.