
(2021) 06 GAU CK 0069

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 : 11-06-2021

Acts Referred:

Citation : (2021) 06 GAU CK 0069

Hon'ble Judges : N. Kotiswar Singh, J

Bench : Single Bench

Advocate : A Chaudhury

Judgement

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

appearing for respondent Nos.1, 3, 4, 5, 6 and 7 and Ms. A. Gayan, learned CGC appearing for respondent No.2.

Issue notice, returnable on 16.07.2021.

No formal steps are called for in respect of the respondents, as they are duly represented.

It has been submitted that the State Government has filed their affidavit today.

Mr. Mahajan, however, submits that perusal of paragraph 7 of the affidavit of the State reveals that though the authorities are taking steps in terms of

the directions issued by the Court, they are seeking more time, to which the petitioner has no serious objection. He, however, submits that it has been

noticed in many cases that because of the delay in completing the investigation, sometimes the principal accused against whom there are substantial

evidences, get default bail because of inability of the investigating authority to complete the investigation within the statutory period. Accordingly, he

submits that in present case, the investigating authority may be directed to submit necessary charge-sheet within statutory period and if necessary, continue with the investigation and file supplementary charge-sheet.

This Court expects that the authorities will keep the aforesaid aspect in mind as it will be undesirable that a person against whom substantial evidences are available will roam free on default bail because of the non-completion of the investigation in time.

Mr. Nath submits that the aforesaid aspect will be taken care of by the investigating authority for expeditious completion of the investigation. As regards direction issued by this Court relating to employment of child as domestic help, Mr. Nath submits that this is an aspect where the Assam State Commission for Protection of Child Rights, Assam State Legal Services Authority as well as Labour Department of the State Government, who are not impleaded as respondents in this petition, also play important roles, for which necessary coordinated actions are being taken, for which more time would be required.

As regards the aforesaid submission, this Court is of the view that it may not be necessary to implead all the concerned agencies or authorities but the Court appreciates tt endeavour made by the Home Department to undertake a coordinated action with the above agencies to deal with this menace of child labour and the Court hopes that appropriate remedial actions will be taken in due course. However, this exercise undertaken should not be a cause for any delay for timely completion of the investigation.

List the matter again on 16.07.2021.