

AB 372/2016

BEFORE

HON'BLE MR. JUSTICE P.K PHUKAN

Heard Mr. N Uddin, learned counsel for the accused petitioner and also heard Mr. B.B Gogoi, learned Addl. P.P, Assam.

The accusation against the accused petitioners is that for the purpose of management of port a working committee was formed and the port was inaugurated by the Trade and Industries Minister, Assam. On the next day of inauguration the accused petitioners namely, Atowar Rahman and Gadadhar Dutta called the members of the working committee of the port including the informant and demanded Rs. 30 to 50 lakhs in the name of the Minister and in the event of their failure to do so they would have to face dire consequences.

Mr. N. Uddin, learned counsel for the accused petitioner submits that the present case is nothing but counter blast to the FIR dated 17.12.2015 filed by Atowar Rahman as informant of the case who is the accused of the present case alleging there in that the accused named in the FIR demanded Rs. 25,000/- from the Manager and on his refusal the informant was assaulted and threatened. It appears that dispute is regarding the port and allegation and counter allegations have been brought by both the parties. The accused petitioners were given interim pre-arrest bail vide order dated 1.3.2016 and in compliance of the order they appeared before the I/O.

Having heard the learned counsels for both the parties and having considered the submissions and for want of materials in the case diary I am of the view that this is a fir case to extend the privilege of section 438 Cr.P.C to the accused petitioners and accordingly the interim order dated 1.3.2016 passed by this Court is made absolute.

Return the case diary.

Petition is disposed off.