

WP(C) 4999/2011
BEFORE
HON'BLE MR. JUSTICE HRISHIKESH ROY

The petitioner is unrepresented when the case is called. She is a resident of Ward No.5 of Lumding town and her pleaded case is that her other house in Ward No. 4, Holding No.292 in Kalibari Road of Lumding Town, was vandalized by miscreants on the night of 12.7.2011. This led to registration of G.D. Entry No.779 and also eventual registration of Lumding P.S. Case No.262/2011 under Section 427/380 IPC. The concerned house was insured under Policy No.200203/11/11/3100000205 with the Hojai Branch of the National Insurance Company Ltd. and the petitioner made the insurance claim by projecting that antisocial miscreants destroyed the locked house and took away the C.I. sheets etc., in the owners absence. Since the findings of the police will have a bearing on the insurance claim, the informant has approached the Court for proper investigation of the police case.

2. In the absence of the petitioner's lawyer, the learned Government Advocate Mr. S.S. Roy on the basis of recent instruction received on 29.11.2017 from the S.P., Hojai submits that a thorough investigation was made into the Lumding P.S. Case No.262/2011 and local witnesses were examined and the crime scene was investigated. The I.O. found that it was a dilapidated old house and allegation of taking away of the C.I. sheets and other materials worth Rs.5,00,000/- by anti social elements, is not found established. Thus the complaint was determined to be a false one and on such finding, the case was returned as F.R., due to insufficient evidence.

3. In Court, there is none to contradict the above submission of the learned Government Advocate. Therefore, accepting the same and noting the absence of the petitioner's lawyer, the case is disposed of for want of prosecution. The written instruction from the S.P., Hojai produced by the Government Advocate, be kept in the case records.