

**Present:- Sri N. J. Haque, CJM, Sonitpur, Tezpur**

Tezpur PS Case No. 1474/2021

GR Case No. 2401/2021

U/S-379 of IPC

ORDER

12.08.2021

Accused person, named, Md. Sirajul Islam aged about 22 years has been produced before me on the strength of Production Warrant issued against him vide Order dated-09.08.2021.

Seen the Forwarding Report and Medical Report.

On perusal of the case record, it disclosed that the above-named accused is duly undergone COVID-19 test at Kanaklata Civil Hospital, Tezpur, Sonitpur where he tested negative.

Accused person is not represented by his Ld. Counsel and on being asked he has informed that his family member is going to engage advocate for his defence and accordingly, he declined to receive any assistance from this court.

The medical report unveiled that the accused person undergone test of recent COVID-19 (RAT) pandemic and it disclosed from the medical report that his COVID-19 pandemic test found to be negative.

Also seen the prayer filed by the I.O named ASI Anup Katoki of Tezpur PS vide Order dated-09.08.2021 praying for showing the accused person, named, Md. Sirajul Islam, son of Md. Mazibur Rahman of No-1 Itakhola under Sootea PS to be an arrested accused person in connection with this instant case registered u/s-379 of IPC.

Heard the prosecution side and perused the prayer of I/O along with the case diary of this case.

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It disclosed from the prayer as well as the case diary that instant case has been registered against the accused person, named, Md. Sirajul Islam in connection with an ejahar lodged by the complainant named UBC Mangal Parah stating that 17.07.2021 some unknown culprit had stolen his motor cycle bearing Regd. No-AS-12/L-3029 (Glamour). It also disclosed from the entire case record that the investigation of this case is pending at a pre-matured stage and the accused person, named, Md. Sirajul Islam has already been apprehended in connection with Sootea PS Case No. 112/2021, u/s-379/411 of IPC on 02.08.2021 and since then he is languishing in District Jail, Biswanath Chariali. Now, the I/O of this instant case prayed to show the above-named accused to be an arrested accused in this case contending that sufficient evidence found against him during the time of investigation.

I have meticulously considered the case diary and from the materials available in the case diary, this court has sufficient reason to believe that the accused may have committed the alleged offences. The offence of sSection-379 of IPC appears to be cognizable and non-bailable in nature and considering the implicating materials available from the case diary this court finds that sufficient reason to allow the prayer of the I/O for showing the accused person, named, Md. Sirajul Islam to be an arrested accused in connection with this case.

Accordingly, prayer of the I/O is allowed and the accused person, named, Md. Sirajul Islam is shown to be an arrested accused in connection with this case and consequent to that the I/O is directed to produce the

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accused person in connection with this case immediately showing him to be an arrested accused in this case.

Also seen the prayer of the I/O where the I/O has prayed 03 (Three) days of police custody of the accused, named, Md. Sirajul Islam stating that for the sake of proper investigation and to apprehend the other co-accused police custody is required.

I have carefully perused the case diary and it finds that the accused brought from judicial custody of District Jail, Biswanath Chariali.

The nature of materials found against him does not justifies the prayer of police remand of the I/O. Hence, the prayer of police remand of accused stands rejected. However, for the sake of investigation I/O set at liberty to interrogate the accused inside the precinct of jail for three days, 03 hours for each day. The I/O sets at liberty to interrogate the accused inside the precinct of the Central Jail, Sonitpur at Tezpur, maintaining all the norms of social distancing notified by Govt. of India for a period of 03 days and three hours in a day. The accused person has already tested negative after his COVID test. **Hence, the accused remanded to judicial custody till 25.08.2021.**

The Superintendent of Central Jail, Sonitpur, Tezpur is hereby directed to keep the accused separately in an isolation ward from the other jail inmates for a considerable period and further the accused is directed to be scanned through thermal scanner before admitting him inside the jail.

The Superintendent of Central Jail, Sonitpur, Tezpur is directed to comply with the aforesaid guideline for

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prevention of COVID-19 pandemic inside the jail premises.

The Superintendent/Jailor of Central Jail, Sonitpur at Tezpur is hereby directed to make all the necessary arrangement and facilitate the investigating officer for interrogation and recording the statement of the accused inside the precinct of the Jail with effect from **on 13.08.2021 to 15.08.2021.**

Let a copy of this order be transmitted to The Superintendent or Jailor of Central Jail, Sonitpur at Tezpur and the Investigating Officer.

Return back the case diary.

Inform all the concerned.

Sri N. J. Haque  
Chief Judicial Magistrate  
Sonitpur at Tezpur