

Weekly meeting

Dima Hasao District Judiciary

Dated: 13.08.2026

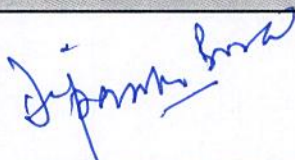
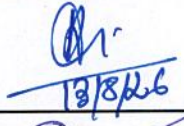
Proceedings of weekly meeting of Judicial Officers under Dima Hasao District Judiciary, held on 13.08.2026 at 03:30 PM in the Office Chamber of the Hon'ble District and Sessions Judge, Dima Hasao vide Gauhati High Court Notification & Order No. HC VII 159/2012/6906/A dated 04.08.2012.

Hon'ble District & Sessions Judge, Dima Hasao discussed bail application number 1239/2026, Injamamul Haque @ Injamul Haque vs State of Assam to be represented by Ld. Public Prosecutor, Assam before the Hon'ble Gauhati High Court. In this case it is stated that non compliance of Section 36 specially Section 36(b) (ii) of BNSS. The conclusions laid down by the Hon'ble Gauhati High Court are-

- a. Non compliance with the Section 36 BNSS does not automatically invalidate the arrest. The legality of arrest depends on the authority of the law permitting arrest, which cannot be completely abrogated by mere non compliance, which is only a subsequent documentation of such arrest.
- b. A defect in the arrest memo by itself does not confer an automatic right to bail. For example absence of signature of the accused or witnesses on the arrest memo does not necessarily mean that the accused must be released on bail.
- c. The court must examine the totality of the circumstances while considering the legality of arrest. The court must consider whether the arrest was otherwise authorised by law, whether the grounds of arrest were communicated to the accused person, whether the relatives/friends were informed u/s. 48 BNSS, whether the arrested person was produced before the magistrate within prescribed time and whether prejudice or abuse has resulted from such omission in framing the arrest memo. In cases where the breach of the requirement is accompanied by other violations, such as illegal detention or infringement of constitutional rights, a court may declare the arrest illegal and grant appropriate relief.

With this the meeting ended with a formal vote of thanks.

MEMBERS PRESENT:

Name & Designation	Signature
Shri Dipankar Bora, Hon'ble District & Sessions Judge, Dima Hasao.	
Shri Nikunja Boro, Civil Judge(Sr. Div.), Dima Hasao.	
Smt. Bobidita Gogoi, Chief Judicial Magistrate, Dima Hasao	
Shri Prasenjit Das, Additional Chief Judicial Magistrate, Dima Hasao	
Shri Kaushik Kamal Baruah, Secretary, District Legal Services Authority, Dima Hasao	
Shri Dharamchand Pareek, Sub-Divisional Judicial Magistrate (S), Dima Hasao	
Smt Manisha Das, Judicial Magistrate First Class, Dima Hasao	
Smti Prity Daimari Civil Judge (Jr. Div.) No. 1-cum-JMFC, Dima Hasao	
Smti Kaushiki Das Civil Judge (Jr. Div) No 2, Dima Hasao	