

**IN THE HIGH COURT OF MANIPUR  
AT IMPHAL**

**Crl.Petn. No. 48 of 2022**

The State of Manipur represented by the Special Secretary (Home),  
Government of Manipur, Manipur Secretariat, Babupara, P.O. & P.S.  
Imphal, Imphal West District, Manipur – 795001.

**... *Petitioner***

- Versus -

Shri Tahngzalet Haokip, aged about 55 years, S/o Jangkholum Haokip of B.  
Aijalon Village Churachandpur, P.O. & P.S. Churachandpur, Churachandpur  
District, Manipur.

**... *Respondent***

**BEFORE**

**HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

|                                     |   |                                                               |
|-------------------------------------|---|---------------------------------------------------------------|
| For the petitioner                  | : | S. Nepolean, Addl. PP, assisted by<br>Mr. Y. Robert, Dy. G.A. |
| For the respondent                  | : | Ms. M. Swarnalata Devi, Advocate                              |
| <b>Date of Hearing</b>              | : | <b>25.04.2023</b>                                             |
| <b>Date of Judgment &amp; Order</b> | : | <b>23.05.2023</b>                                             |

**ORDER**

**[1]** Heard Mr. S. Nepolean, learned Addl. PP, assisted by Mr. Y. Robert,  
learned Dy. G.A. for the State; and Ms. M. Swarnalata Devi, learned Counsel for the  
respondent.

**[2]** By the present petition under Section 482 of Cr.P.C, the State of Manipur/petitioner has challenged the impugned order dated 21.06.2022 passed by the learned Sessions Judge, Imphal East, in Cril. Revision Petition No. 1 of 2022 [Ref:- Cril. Misc.(Z) Case No. 119 of 2021 with respect to FIR No. 177(10)2021 IPS, under Sections 379, 441 & 34 IPC]. By the impugned order, the learned Sessions Judge allowed the Cril. Revision Petition filed by the respondent herein under Section 397 Cr.P.C. against the order dated 03.12.2021 passed by learned Chief Judicial Magistrate, Imphal East in Cril. Misc(Zima) Case No. 119 of 2021 and released on zima Creta Car bearing Registration No. MNO1G8285, white in colour, bearing Chassis No. MLC181RLFM 024788 and Engine No. D4FCF MB90884 on executing zima bond of Rs. 6,00,000/- (Rupees six lakhs only). Vide order dated 03.12.2021 in Cril Misc.(Zima) Case No. 119 of 2021, the learned Chief Judicial Magistrate, Imphal East, rejected the zima application filed by the respondent herein as the respondent had already sold the vehicle and only his name continued to be recorded in the RC Book and the vehicle was suspected to be a stolen vehicle involved in another FIR case belonging to Mayur Vihar Police Station, New Delhi. The impugned order is challenged on the ground that (i) the learned Sessions Judge, Imphal East, has failed to consider the Zima Objection Report filed by the I.O. of the case wherein it is pleaded that ownership of the vehicle is yet to be established and the seized vehicle requires forensic examination in order to verify as to whether the Engine number and Chassis number are tempered or not, (ii) the Chassis number and the Engine number physically found in the seized vehicle do not tally with the numbers found in the Registration Card, (iii) the respondent already sold the vehicle and his name is only recorded in the owner and hence he cannot be an owner or real possessor of the vehicle, (iv) the vehicle was backlisted by

the Mayur Vihar Police Station, Delhi under FIR No. 23271 dated 21.07.2015, (v) if the vehicle is not immediately sent for Forensic Examination to ascertain the Engine Number and Chassis Number are tempered or not, it will affect the investigation and the trial in the Trial Court.

**[3]** Mr. S. Nepolean, learned Addl. PP for the State, submits that the impugned order is liable to be set-aside for reasons stated above. However, during the course of hearing Mr. S. Nepolean, learned Addl. PP, fairly concedes that if the vehicle is given to the Investigating Officer for some time for forensic examination of the vehicle, it will serve the purpose of investigation and it will be sufficient for the investigation to complete the investigation and file charge-sheet before the competent Court.

**[4]** Ms. M. Swarnalata, learned counsel for the respondent, has opposed the petition filed by the State by filing written objection. She states that the name of the respondent is still shown as owner in the Registration Certificate and as well as in the VAHAN app and the respondent is deemed to be owner and lawful possessor of the seized vehicle. She submits that there is no infirmity in the order passed by the learned Sessions Judge, Imphal East. She also opposes the prayer of the State for handing over the custody of the vehicle to the I.O. for some time for forensic examination. She points out that the vehicle was seized on 20.10.2021 and released on zima on 21.06.2022 and as such the Investigating Officer has the custody of the vehicle for long eight months and all necessary investigation have been completed during this period of eight months. She has apprehension that if the custody of the vehicle is handed over to the I.O. even if for a short period as prayed for by the learned Addl. PP, there is a likelihood of causing damage to the vehicle by the I.O. with malafide

intentions. She further submits that if this Court is going to handover the possession of the vehicle to the I.O. for some time as prayed for, there should be a proper examination of the vehicle by the Transport Department before handing over and at the time of return of the vehicle so as to rule out any foul play.

**[5]** This Court has considered the rival submissions of the parties and the prayer made by Addl. PP for the State for interim custody of the vehicle for some time for forensic examination. In view of the submission of learned Addl. PP for interim custody, the matter is not being considered on merit and is limited to the prayer for interim custody of the vehicle.

**[6]** In order to enable the State/the Investigating Agency to complete the investigation, the vehicle is handed over to the I.O. of the case for 15 days for forensic examination of the vehicle in Forensic Science Lab at Pangei or any other authorized Centre. After completion of the examination, the I.O. is directed to return the vehicle to the respondent. In order to allay the fear of the respondent that the vehicle may get damage due to any reason, it is directed that proper examination of the vehicle be done by a competent team of the transport authority before handing over and at the time of return of the vehicle. With this observations and directions, cril. petition is disposed of. No costs.

**[7]** Send a copy of this order to the O.C., Imphal P.S. for information and necessary compliance.

**JUDGE**

