

GAHC010033502023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Pet./151/2023

RUPAM PHUKAN
S/O SRI SACHINDRA NATH PHUKAN
R/O HOUSE NO. 1-A, BY-LANE NO. 2, SUNDARPUR
JAPORIGOG, GUWAHATI
P.O. JAPORIGOG,
P.S. DISPUR,
DIST. KAMRUP (M), ASSAM
PIN-781005

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:ARIFUL HAQUE
INSPECTOR
CRIME INVESTIGATION DEPARTMENT POLICE STATION
ULUBARI
GUWAHATI

DIST. KAMRUP (M)
ASSAM
PIN-78100

Advocate for the Petitioner : MR. T DEURI

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 17.02.2023

Heard Mr. T. Deuri, learned counsel for the petitioner. Also heard Mr. Bhaskar Sarma, learned APP appearing for the respondents.

2. It may be mentioned that the respondent no.2 is the Inspector of CID, who has initiated the complaint against the petitioner. Therefore, the said authority can be represented by the learned APP.

3. The learned counsel for the petitioner has submitted that although as many as 9 articles were seized in connection with search and seizure made on 08.11.2022, which includes laptops, pendrives, debit card and bank pass books, the petitioner is highly aggrieved with the freezing of his savings bank account bearing number 31243282539 of State Bank of India, Bazar Branch, Mangaldai in the name of the petitioner, Rupam Phukan. It is submitted that salary and allowances of the petitioner is credited in the said account. It is also submitted that the prayer for zimma was made before the learned trial Court, i.e. the Court of learned Special Judge, Assam, but the prayer for zimma was rejected by order dated 04.01.2023. Accordingly, aggrieved by the said order, the present petition has been filed under section 482 Cr.P.C., assailing the said order dated 04.01.2023, passed by learned Special Judge, Assam in connection with CID P.S. Case No. 20/2022.

4. Heard the learned APP in the matter.

5. In the present case, in the zimma petition bearing petition no.50/2023, filed on 04.01.2023 (Annexure-E), the petitioner has made a statement in paragraph-8 thereof that after the petitioner was arrested 07.11.2022, his bank accounts were seized and frozen by the CID police, as such, the petitioner is suffering from irreparable loss since he is unable to meet the expenses of his family. However, it is noted that in the prayer of the said application, the petitioner has prayed for giving custody of zimma of the seized articles.

6. In the considered opinion of the Court, even if the prayer made in the said zimma petition no.50/2023 is allowed, it will merely entitle the petitioner to the copy of the original bank pass books and merely having custody of the bank pass book will not make the petitioner entitle to make any transaction in the said account, which has been frozen by the I/O.

7. Under such circumstances, the Court is of the considered opinion that even if the impugned order is interfered with, it would give no practical relief or benefit to the petitioner.

8. Accordingly, the Court is of the considered opinion that in view of the nature of prayer made by the learned counsel for the petitioner, instead of keeping the matter pending, it would be appropriate to close this criminal petition by giving liberty to the petitioner to move the Court of learned Special Judge, Assam with an appropriate application for de-freezing his concerned savings bank account. It is provided that in the event such application is filed,

the learned Special Judge, Assam shall consider the same in accordance with law.

9. With the aforesaid observation, this criminal petition stands closed.

JUDGE

Comparing Assistant