

GAHC010194192023



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

Case No. : Crl.Rev.P./367/2023

CHAMAN SINGH
S/O SUBHI SINGH
R/O BADANJ, WARD NO. 1,
P.O. HAMERA, P.S. SHAHPUR
DIST. KANGRA, HIMACHAL PRADESH, PIN-176206

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR D CHUTIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

09.10.2023

Heard Mr. D. Chutia, learned counsel for the petitioner and Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

2. In this revision petition, under Section 397 read with Section 401 of the Cr.P.C., the petitioner namely, Chaman Singh has put to challenge the correctness or otherwise of the order dated 10.08.2023, passed by the learned Judicial Magistrate First Class, Dhubri in connection with Golakganj PS Case No. 250/2023, under Sections 120[b]/379/411/420 of the IPC.

3. It is to be noted here that vide order dated 10.08.2023, the learned court below has dismissed the petition filed by the petitioner, seeking custody of the seized vehicle, bearing registration No. HP-68-A-2869, in favour of the petitioner.

4. Mr. Chutia, learned counsel for the petitioner submits that the petitioner is the registered owner of the vehicle, bearing registration No. HP-68-A-2869, and the said vehicle was seized by the police in connection with Golakganj PS Case No. 250/2023, under Sections 120[b]/379/411/420 of the IPC, on 20.05.2023. Mr. Chutia further submits that the grounds for seizing the aforesaid vehicle in the aforesaid case is that acting on a tip off on 20.05.2023, at about 11 pm, the informant SI Mehbub Ali along with his staff, intercepted one Truck bearing registration No. HP-68-A-2869 and during checking they have found 135 bags of suspected Burmese supari, weighing 10,125 Kg, which was concealed in the middle of bamboo pieces carried in the said Truck. Mr. Chutia also submits that since the date of seizure, the vehicle is lying in the police campus and that the vehicle may not be required in the interest of investigation and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Borthakur, learned Addl. P.P. has vehemently opposed the petition on the ground that the IO in his report dated 05.10.2023, clearly indicates that if the vehicle is released in favour of the petitioner, the same will be used again, for such kind of illegal activities.

6. Having heard the submissions of learned counsel for both the parties, I have carefully gone through the petition and the documents placed on record.

7. It appears that the vehicle was seized on 20.05.2023, and since then the same is lying in the police campus. Further, it appears that the IO in his report dated 05.10.2023, has clearly indicated that if the vehicle is released in the custody of the petitioner, the same will be used again, in repeating the offences. But, the grounds so assigned by the IO for dismissing the petition are found to be not at all legally tenable.

8. In view of the given facts and circumstances on the record, this Court is inclined to allow the petition. It is provided that on furnishing a bond of Rs. 22,00,000/- the vehicle in question be released in the interim custody of the petitioner, on the

following terms and conditions :-

[i] the petitioner has to be produced the vehicle before the IO/Court, as on when directed;

[ii] the petitioner shall not use the vehicle again in such kind of illegal activities; and

[iii] the petitioner shall not alienate the vehicle or change its colour, till disposal of the case.

9. In terms of above, this Criminal Revision Petition stands deposed of.

10. The case diary be returned.

JUDGE

Comparing Assistant