

GAHC010213342023



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

Case No. : Crl.Rev.P./419/2023

TAHER ALI
S/O SIDDIK ALI
VILL- BANDORMATHA,
P.O. HASHDOBA, P.S. LAKHIPUR,
DIST. GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS A BEGUM
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 06-10-2023

Heard Ms. A. Begum, learned counsel for the petitioner and also heard Mr. K.K.Parasar, learned Addl. P.P. for the respondent State.

In this petition, u/s 397/401 of Cr. P.C., read with Section 482 Cr.P.C., the petitioner has put to challenged the order dated 11.9.2023, passed by the learned Addl. Chief Judicial Magistrate, Goalpara, in connection with Lakhipur P.S. Case No.253/2023. It is to be noted herein that vide impugned order dated 11.9.2023, the learned Court below has dismissed the prayer made by the petitioner seeking custody of Bolero Pick up van bearing registration No.AS-01-QC-2971 which was seized in connection with Lakhipur P.S.Case No.253/2023.

Ms. Begum, learned counsel for the petitioner submits that the vehicle was seized in connection with

Lakhipur P.S.Case No.253/2023 u/s 379 IPC corresponding to G.R. Case No.1066/2023 and since then the vehicle is lying in the police station campus. Ms. Begum, further submits that the petitioner is the registered owner of the seized vehicle bearing registration No.AS-01-QC-2971 and the petitioner had preferred a petition before the learned Court below on 11.9.2023 seeking custody of the aforesaid vehicle, but the learned Court below has dismissed the same, on the ground that the investigation of the case is still going on and the I.O has raised objection in releasing the vehicle in the custody of the petitioner and that the petitioner will produce the same as and when directed and therefore, it is contended to allow the petition.

On the other hand, Mr. K.K.Parasar, learned Addl.P.P. has produced one report of the I.O. concerned and submits that as per report, dated 5.10.2023, the seized vehicle is no longer required for the purpose of investigation.

Having heard the submission of learned Advocate of both sides, I have carefully gone through the petition and the documents placed on record.

It appears that the vehicle was seized, in connection with Lakhipur P.S.Case No.253/2023, u/s 379 IPC on 25.8.2023, and since then the vehicle is lying in the police station campus. Further, it appears from the report dated 5.10.2023, submitted by the I.O. of the case, that the vehicle is no longer required for the purpose of the investigation.

In view of above, this Court is inclined to allow this petition. It is provided that on furnishing a bond of Rs.10,00,000/-, the vehicle shall be released in the custody of the petitioner. The petitioner shall produce the same before the Court below, as and when directed and shall not alienate the same, till disposal of the case.

In terms of above, this revision petition stands disposed of

JUDGE

Comparing Assistant