

GAHC010000592024



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

Case No. : Crl.Rev.P./27/2024

REKIBUDDIN
S/O RUSMAT ALI
R/O PARASHUTANGANI BARANGABARI
P.S. MIKIRBHETA
DIST. MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R ALI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 25-01-2024

Heard Mr. T. Chutia, learned counsel for the petitioner *Rekibuddin*.

2. The petitioner has filed this application under Section 397/401 read with Section 482 of the Code of Criminal Procedure with prayer for modification of the order dated 21.12.2023 passed by the learned Assistant Sessions Judge,

Morigaon in connection with Sessions Case No. 253/2023.

3. Also heard Ms. B. Bhuyan, learned Additional Public Prosecutor assisted by Ms. B. Borah, learned counsel for the respondent State of Assam. Notices have been accepted by the respondent, so no formal notice is required to be issued. However, sufficient copies of the petition be furnished to the learned counsel for the respondent during the course of the day.

4. It is submitted on behalf of the petitioner that he is suffering from financial hardship. It is submitted that the vehicle which was seized in connection with this case bearing registration No. *AS-21-AC-2262* was purchased by the petitioner through a loan and he has to pay EMI. The petitioner's sole source of income is the vehicle which is lying in the police station. The order dated 21.12.2023 was passed by the learned Assistant Sessions Judge, Morigaon and the vehicle was given in zimma to the petitioner but the petitioner is unable to furnish the bank guarantee due to his financial hardship. The petitioner has thus prayed for modification of the order.

5. I have considered the submissions at the bar with circumspection. The petitioner is willing to abide by any other conditions if the order is modified. I have also considered the plight of the petitioner. Taking a pragmatic view, the order dated 21.12.2023 passed by the learned Assistant Sessions Judge, Morigaon in Sessions Case No. 253/2023 so far as the bank guarantee is concerned, is modified. The petitioner is allowed to take zimma of the vehicle bearing registration No. *AS-21-AC-2262* on furnishing a personal bond of *Rs.5,00,000/- (Rupees Five Lacs)* to the satisfaction of the PSI or the Officer-in-Charge of Dharamtul Police Station. In addition, the petitioner is directed not to alienate the vehicle till completion of the trial.

In the above terms, this criminal revision petition stands disposed of.

JUDGE

Comparing Assistant