

GAHC010013572024



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

Case No. : Crl.Pet./70/2024

RANJIT KUMAR GUPTA
S/O PURAN GUPTA
R/O D.R.M. RESIDENTIAL AREA
P.S. TINSUKIA
DIST. TINSUKIA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. T CHUTIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 24-01-2024

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

The petitioner, namely, Ranjit Kumar Gupta has filed this application u/s 482 of the Cr.PC seeking modification of the order dated 26.10.2023 passed in connection with Sonapur

P.S. Case No. 152/2023 by the learned Judicial Magistrate, 1st Class, Kamrup(M) allowing the prayer of the petitioner for zimma of the vehicle bearing Registration No. AS-01FC-0426 with the condition to furnish a bank guarantee equivalent to the value of the afore-mentioned vehicle. The vehicle was seized in connection with cattle theft case on 30.07.2023. The petitioner has referred to several judgments and orders passed by co-ordinate Bench of this Court, more particularly, Criminal Revision Petition No. 330 of 2023 wherein the order of zimma of the vehicle in lieu of the bank guarantee was modified by co-ordinate Bench of this Court. The petitioner is willing to abide by any terms and conditions if additionally imposed and the petitioner is also willing to abide by any terms and conditions imposed by the trial Court vide order impugned dated 26.10.2023. The vehicle seized in connection with this case is a truck which is valued at Rs. 10 lacs.

Heard Mr. D.P. Goswami, learned Addl. PP, Assam for respondent State.

The learned Addl. PP has accepted notice on behalf of the respondent, so no formal notice is required to be issued to respondent. However, sufficient copies to be furnished to the respondent during the course of the day.

I have considered the submissions at the Bar with circumspection.

I deem it proper to modify the order to the extent of furnishing a bank guarantee. Instead of furnishing bank guarantee the afore-mentioned vehicle is to be given in zimma of the petitioner in lieu of a personal bond of Rs. 10 lacs. The petitioner is to abide by the other terms and conditions of taking zimma of the vehicle imposed upon the petitioner vide order dated 26.10.2023 in connection with Sonapur P.S. Case No. 152/2023. In addition the petitioner is also directed not to alienate the vehicle till the disposal of the case.

Matter is closed.

JUDGE

Comparing Assistant