

GAHC010014722024



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

Case No. : Crl.Pet./82/2024

MAINUL ISLAM
S/O ABDUL KHALEK
VILL- BANDURA ATI
P.S.KACHUA
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR M H AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

25.01.2024

Heard Mr M H Ahmed , learned counsel appearing on behalf of the petitioner,
Mainul Islam.

2. The petitioner has filed this application under Section 482 CrPC, challenging the
order dated 21.11.2023, passed by the learned JMFC, Hamren, West Karbi Anglong, in

connection with Baithalangso PS Case No. 68/2023, registered under Sections 379/411 IPC, read with Section 13(1) of the Assam Cattle Preservation Act, 2021 and Section 11 (1)(d) of the Prevention of Cruelty to Animals Act.

3. Heard Ms B Bhuyan, learned Additional Public Prosecutor, assisted by learned counsel, Ms B Borah, for the State of Assam/respondent.

4. The respondent has accepted notice on behalf of State of Assam.

5. I have considered the submission at the Bar with circumspection.

6. It is submitted on behalf of the petitioner that the petitioner has purchased the vehicle bearing Registration No. AS-02DC-4077, Mahendra Bolero Picup, having Chassis No. MAIRA 2TTKP1J73464 Engine No. TTP1147919, for Rs. 9, 93,660/-. After seizure of the vehicle, the petitioner is suffering from financial hardship. The vehicle was seized in connection with the aforementioned case and it is lying in the custody of the Baithalangso Police Station. The petitioner earns his livelihood through his vehicle. At present, the petitioner is without any source of income.

7. Through the order dated 21.11.2023, the learned JMFC has given in zimma, the aforesaid vehicle, to the petitioner, in lieu of a bank guarantee. The petitioner is unable to furnish bank guarantee as surety because the petitioner has only Rs. 5,000/- as bank balance, at present. Annexure-4 of the petition is the bank statement of the petitioner. The petitioner has prayed for modification of the order. The petitioner is willing to abide by any conditions, if imposed upon him.

8. I have considered the plight of the petitioner.
9. I have also taken a pragmatic view.
10. The vehicle was already given in zimma vide order dated 21.11.2023, in connection with Baithalango PS Case No.68/2023.
11. I deem it proper to modify the order dated 21.11.2023, so far as the bank guarantee is concerned. The petitioner is directed to take zimma of the aforesaid vehicle on execution of a personal bond of Rs. 9,50,000/-. The petitioner is also directed not to alienate the vehicle, till completion of trial. The Investigating Officer or the PSI is directed to take the photographs of the vehicle from all sides and also to verify the documents relating to the ownership of the aforesaid vehicle.
12. The Criminal Petition stands disposed of.

JUDGE

Comparing Assistant