

GAHC010021722024



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

Case No. : Crl.Rev.P./92/2024

ZOSANGLIANA
S/O THANILIANA, R/O D-36, VENGLAI, S-SECTION, HLIMEN, AIZAWL,
MIZORAM, PIN-796005.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR. R ALI

Advocate for the Respondent :

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 28.03.2024

Heard Mr. R. Ali, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 397/401 *read with* Section 482 of the

Code of Criminal Procedure, 1973 against the impugned order dated 18.09.2023, passed by the learned Assistant Sessions Judge, Morigaon, in Petition No. 2025/2023 in connection with Sessions (Special) Case No. 05/2023, whereby the prayer for zimma/custody of the cash amount of Rs. 1,75,000/- was allowed in favour of the present petitioner with a condition to furnish a Bank Guarantee Certificate of similar amount to the satisfaction of the investigating officer.

It is submitted by Mr. Ali, learned counsel for the petitioner, that in spite of his sincere efforts, the petitioner is not in a position to furnish the bank guarantee to take the custody of the said cash amount as per the order dated 18.09.2023, passed by the learned Assistant Sessions Judge, Morigaon, as he is facing huge financial hardship at present. However, he is ready to abide by any terms and conditions to be imposed on him by modifying the impugned order dated 18.09.2023 in respect of furnishing the Bank Guarantee Certificate of the cash amount of Rs. 1,75,000/-, which was given in his custody vide order dated 18.09.2023 by the learned Assistant Sessions Judge, Morigaon in Petition No. 2025/2023 in connection with Sessions (Special) Case No. 05/2023.

In this context, Mr. P. Bothakur, learned Additional Public Prosecutor, has submitted that the present petitioner hails from the State of Mizoram and hence, the personal bond may not be proper. Accordingly, he submitted that the petitioner may be directed to produce 2 (two) local guarantors before the concerned I.O. to his satisfaction.

After hearing the submissions made by the learned counsels for both sides

and also considering the fact that the petitioner is not in a position to furnish Bank Guarantee Certificate of the cash amount of Rs. 1,75,000/-, I hereby direct that in lieu of Bank Guarantee, the petitioner shall produce 2 (two) local sureties as guarantors to the satisfaction of the Investigating Officer.

With the above direction and slight modification in the order dated 18.09.2023 in respect of furnishing the Bank Guarantee Certificate as imposed by the learned Assistant Sessions Judge, Morigaon in Petition No. 2025/2023 in connection with Sessions (Special) Case No. 05/2023, the present revision petition stands disposed of.

JUDGE

Comparing Assistant