

GAHC010034522024



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

Case No. : Crl.Rev.P./63/2024

DULAL UDDIN
S/O LATE NUR MAHAMMAD
R/O VILL- DHUPGURI (GAON PUB)
P.S. BATADROBA
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:BIPUL CHANDRA DEKA (ASI)
JORABAT OUTPOST UNDER BASISTHA

POLICE STATION
P.O. JORABAT

PIN-781023
IN THE DISTRICT OF KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. M A SHEIKH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 13-03-2024

Heard Mr. MA Sheikh, learned counsel for the petitioner as well as Mr. BB Gogoi, learned APP for the State.

2. This is an application under section 401 Cr.P.C., 1973 for setting aside the impugned order dated 13.02.2024 passed by the learned SDJM-1, Kamrup, Guwahati in Basistha PS case no.59/2024 whereby the learned SDJM rejected the prayer for zimma of the cattle.

3. The learned counsel for the petitioner has submitted that the petitioner is the owner of the cattle who purchased the said cattle from Rajmai Weekly Cattle Market, Sivasagar. After seizure of the cattle, 42 days have been passed by and nobody claimed ownership of the said cattle. Under such backdrop, as the petitioner is the owner of the cattle, he is entitled to take zimma of the said cattle.

4. As per the seizure list, eight nos. of cattle were seized in connection with Basistha PS case no.59/2024. It is reported by the IO that seized cattle were subsequently handed over to Surabhi Gaushala, Kaniha, Kamrup (Rural) for proper care and observation.

5. The learned APP further submits that the seized cattle be handed over

to the actual owner after proper verification.

6. In view of the submissions made by the learned counsel for the parties, the revision petition is disposed of with a direction to the petitioner to approach before the learned trial Court regarding Zimma of the cattle by filing appropriate application. On such filing of application, trial Court after verifying the documents regarding ownership of the cattle, will pass the order in accordance with law.

JUDGE

Comparing Assistant