

GAHC010036602024



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

Case No. : Crl.Pet./211/2024

JIA UDDIN
S/O LATE BADRUL HOQUE
R/O VILL BAGHA, P.S. BAZARICHERRA
DIST. KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. I A TALUKDAR
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

24.04.2024

Heard Mr. I.A. Talukdar, learned counsel for the petitioner and Ms. S.H. Bora, learned Additional Public Prosecutor, Assam for the respondent State of Assam.

2. The instant criminal petition under Section 482, Code of Criminal Procedure, 1973 [‘CrPC’] is preferred to assail an order dated 30.01.2024 passed by the learned Sessions Judge, Karimganj in Criminal Revision no. 02/2024.

3. The criminal revision petition, Criminal Revision no. 02/2024 has been preferred by the

State against an Order dated 02.11.2023 passed by the learned Chief Judicial Magistrate, Karimganj in connection with G.R. Case no. 460/2023, arising out of Bazaricherra Police Station Case no. 43/2023. In the course of investigation of Bazaricherra Police Station Case no. 43/2023, 250 bags of betel nuts [areca nuts] weighing 12,500 kgs, were seized by the In-Charge, Nagra Police Post under Bazaricherra Police Station. An application was submitted by the present petitioner before the learned Chief Judicial Magistrate, Karimganj seeking custody of the seized betel nuts [areca nuts]. It may be stated, shorn of other details, that a Report was submitted by the District Agriculture Officer, Karimganj in respect of the seized betel nuts [areca nuts] during the course of the said custody proceedings before the learned Chief Judicial Magistrate, Karimganj. It has been reported in the said Report that the seized betel nuts [areca nuts] appeared to be not local and its quality could not be ascertained. On the basis of the Report, the learned Chief Judicial Magistrate, Karimganj, vide an order dated 02.11.2023, allowed the prayer for custody of the betel nuts [areca nuts] to the petitioner on the condition of furnishing a bond as per the value of the seized article.

4. Aggrieved by the said order dated 02.11.2023, the criminal revision petition, Criminal Revision no. 02/2024 was preferred before the Court of Sessions, Karimganj. By an order dated 17.01.2024, the learned Sessions Judge, Karimganj admitted the revision petition and called for the records of G.R. Case no. 460/2023 from the learned trial court. By the said order, notice was issued to the petitioner as the opposite party no. 1 in the said criminal revision petition. The petitioner as the opposite party no. 1 has already entered appearance and filed its written objection in Criminal Revision no. 02/2024.

5. In the above fact situation, the learned Sessions Judge, Karimganj has passed the following order on 30.01.2024.

ORDER

30.01.2024

Revisionist is represented.

Notice to OP returned after service.

OP side appeared and submitted written objection.

LCR is received.

Fixing 30.03.2024 for hearing.

6. From a perusal of the said order dated 30.01.2024, it is clear that the learned Sessions Judge, Karimganj had posted the criminal revision petition for hearing on 30.03.2024. On going through the order dated 30.01.2024, this Court does not find any incorrectness, illegality or impropriety in the order dated 30.01.2024. Consequently, this instant petition is found devoid of any merits. As such, the same is liable to be dismissed. It is accordingly dismissed. No cost.

JUDGE

Comparing Assistant