

GAHC010036902024



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

**Case No. : Crl.Rev.P./65/2024**

SANIWARA BEGUM @ SANIARA BEGUM  
W/O SALAM ALI  
R/O VILL- BHANGNAMARI  
P.S. MUKALMUA  
DIST. NALBARI, ASSAM  
PIN-781126

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, GOVT. OF ASSAM

**Advocate for the Petitioner : J U AHMED**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

**ORDER**

**Date : 19.04.2024**

**1.** Heard Mr. N. K. Murry, learned counsel for the petitioner. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor appearing for the State of Assam.

**2.** This application under Section 397/401 of the Code of Criminal

Procedure, 1973, read with Section 482 of the Code of Criminal Procedure, 1973 has been filled by the petitioner impugning the order dated 24.01.2024 passed by learned Judicial Magistrate First Class, Kamrup(Metro), in connection with Sonapur PS Case No. 263/2023, where by the prayer for *Zimma* of the vehicle bearing registration No. AS 01LC 3914, which has been seized in connection with the aforementioned case, was rejected.

**3.** Learned counsel for the petitioner has submitted that the Sonapur PS Case No. 263/2023 has been registered on the basis of the FIR, which was lodged by one Rama Sankar Jaiswal, inter alia, alleging that on 05.12.2023 the aforesaid vehicle was found carrying Pan Masala worth about Rs.52,00,000/-(Rupees fifty two lakh only) without any valid documents.

**4.** Learned counsel for the petitioner has submitted that since 06.12.2023 i.e., since the date of the seizure of the said vehicle, the vehicle of the petitioner is lying under open sky in Sonapur in the campus of Sonapur Police Station.

**5.** Learned counsel for the petitioner has also submitted that the petitioner is the registered owner of the seized vehicle and to substantiate the submission he has produced the Registration Certificate of the seized vehicle.

**6.** On perusal of the Registration Certificate, it appears that the petitioner is the owner of the seized vehicle.

**7.** I have considered the submission made by learned counsel for the petitioner and perused the materials available on record. On perusal of the impugned order it appears that the prayer for *Zimma* was rejected by the learned Judicial Magistrate, First Class, mainly on two grounds i.e., firstly, that the said vehicle has been found involved in the instant case and secondly the ownership of the said vehicle could not be ascertained

**8.** As regards involvement of vehicle is concerned, even if the vehicle is found to be involved, no purpose would be served by keeping the vehicle under open sky for 136 days. Regarding the ownership of the said vehicle, the documents produced by the learned counsel for the petitioner shows that the petitioner is the registered owner of the seized vehicle.

**9.** In view of the above, the Investigating Officer of Sonapur PS Case No. 263/2023 is hereby directed to give the *Zimma* of the seized vehicle bearing registration No. AS 01 LC 3914 to the petitioner on furnishing an indemnity bond of Rs.7,00,000/-(Rupees seven lakh only) for producing the said vehicle if and when required in connection with Sonapur PS Case No. 263/2023 and at the time of giving the *Zimma* of the vehicle, the Investigating Officer shall also prepare an inventory and shall also take photographs of the said vehicle from different angles and thereafter, keep the said bond along with the inventory in the case record of Sonapur PS Case No.263/2023.

**10.** With above observations, this criminal revision petition is hereby disposed of.

**JUDGE**

**Comparing Assistant**