

GAHC010046712024



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

Case No. : Crl.Pet./252/2024

RUMAN ALI
S/O RASUK ALI, PROPRIETOR OF RAYHAN BETEL NUTS TRADERS, VILL-
KUBJAR, P.S.-KAILASHAHAR, DIST- UNAKOTI, TRIPURA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N H BARBHUIYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

07.03.2024

Heard Mr. N.H. Barbhuiya, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Addl. P.P, Assam.

This is an application under Section 482 of the Code of Criminal Procedure, 1973 praying for quashing of the impugned Order dated 18.12.2023

in connection with G.R. P.S Case No. 221/2023 passed by the learned Judicial Magistrate First Class, Kamrup Metro for zimma of the 22,500 kgs of seized bettlenuts.

The case of the prosecution is that 22,500 kgs of bettlenuts was seized by the Police and accordingly, the zimma application was filed. The Court of the Judicial Magistrate First Class, Kamrup Metro by Order dated 18.12.2023 rejected the said application. Aggrieved by the said Order dated 18.12.2023, the instant application has been filed.

Mr. P. Borthakur, learned Addl. P.P has placed before this Court the S.O.P dated 16.09.2021 issued by the Office of the Addl. Director General of Police, CID, Assam, Ulubari, Guwahati for disposal of seized bettlenuts.

It appears from Clause 15 of the said S.O.P that if the seized bettlenuts are unfit for human consumption and a owner or a claimant submit a plea before the Court that they would use such bettlenuts as raw material for manufacture of some non-edible products and that the same will not be used for human consumption, the Superintendent of Police shall verify the said claim and submit report to the Court. It further appears from the said Clause that if the claim is genuine, then the Court can pass appropriate orders.

In the present case, the petitioner has annexed letters as Annexure-9 & 10 to the petition, showing that two claimants are willing to purchase the seized bettlenuts for used in their factory and not for human consumption.

In view of the above, this Court is of the considered view that this criminal petition can be disposed of with the direction that the petitioner shall file an

application before the Court of Chief Judicial Magistrate, Kamrup, Metro placing the aforesaid letters and the Court shall, after calling a report from the jurisdictional S.P, dispose of the said application in accordance with law. It is provided that the said application shall be disposed of preferably within a period of 1 (one) month after filing of the application.

With the aforesaid observation and direction, this criminal petition stands disposed of.

JUDGE

Comparing Assistant