

GAHC010052162024



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

Case No. : Crl.Rev.P./93/2024

MD. MAHIBUR RAHMAN
S/O NURHUCHEIN, R/O VILL- PARASU TANGANI, P.S.-MIKIRBHETA, DIST-
MORIGAON (ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS. G BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 13-03-2024

Heard Ms. G. Borah, learned counsel for the petitioner. Also heard Mr. D. Das, learned Addl. P.P for the State respondent.

This revision petition is filed under Section 397 and 401 read with Section

482 of the Cr.PC praying for recall and cancel the impugned Order dated 14.12.2023 in connection with Tezpur P.S. Case No. 797/23 registered under Section 379/411 IPC read with Section 11 of the Preservation of Cruelty to Animal Act, 1960 read with Section 13 (1) of The Assam Cattle Preservation Act passed by the Chief Judicial Magistrate, whereby the learned Chief Judicial Magistrate, Tezpur rejected the zimma prayer of the vehicle bearing Registration No. AS-01-FC-0316 has been registered.

The case of the petitioner is that the petitioner is the owner of the seized vehicle and accordingly had filed an application for custody of the said vehicle before the Court of CJM, Sonitpur, Tezpur. The Court of CJM, Sonitpur, Tezpur by Order dated 14.12.2023 rejected the said prayer on the ground that the ownership of the vehicle could not be ascertained.

Mr. D. Das, learned Addl. P.P submits that the ownership could not be ascertained as the petitioner did not appear before the Investigating Officer.

Accordingly, this Court is of the considered view that this criminal revision petition can be disposed of with a direction to the petitioner to file the requisite documents before the I.O and after receipt of all the relevant documents, the I.O shall report the matter back to the Court of CJM, Sonitpur, Tezpur, whereupon the Court of CJM, Sonitpur, Tezpur shall decide the matter afresh.

As such, the Order dated 14.12.2023 is set aside.

It is needless to clarify that the aforesaid exercise shall be completed within a period of 1 month from the date of receipt of the materials submitted by the I.O.

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

JUDGE

Comparing Assistant