

GAHC010054832024



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

Case No. : Crl.Rev.P./100/2024

SOIF UDDIN LASKAR AND ANR
S/O LATE ABDUR RASHID LASKAR
R/O VILL- JUNGLE BLOCK,
P.S.JAMUNAMUKH,
DIST. HOJAI, ASSAM

2: KAMRUL KHAN
S/O LATE ABDUL JABBAR
R/O VILL- BHEDOATI
P.S. JAMUNAMUKH
DIST. HOJAI
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 02.04.2024

Heard Mr. D. Dey, learned counsel for the petitioners. Also heard Mr. M.P. Goswami, learned Additional Public Prosecutor for the State.

2. This application has been preferred under Section 397/401 read with Section 482 Cr.P.C., against the impugned order dated 15.12.2023 passed by the learned JMFC, Hojai in connection with Jamunamukh P.S. Case No. 56/2023 whereby a petition filed by the petitioner for unlocking of a Bank Account No. 38435414417 maintained at SBI, Doboka Branch, was rejected.

3. The learned counsel for the petitioner submits that the petitioner No. 1 is the sole proprietor of Saif Traders and the petitioner No.2 is a video blogger and a social activist. On 17.07.2023, Jungle Block Socio-Economical Development Society filed an application before the Additional Deputy Commissioner of Sankardev Nagar, Hojai for seeking official authorization for the society's intent to organize a gift coupon game. Thereafter, on 27.07.2023, the Executive Magistrate of hojai, Sankardev Nagar, granted the permission to the Society to proceed with the gift coupon game. Later on, some individual from Hojai complained to the District Commissioner, Hojai alleging that the permission granted for the ensuing gift coupon game was in contravention of the Lotteries (Regulation) Act, 1988 and on 20.09.2023, the Additional District Magistrate of Hojai, cancelled the permission to proceed with the gift coupon game.

4. It is further submitted that one PIL was also filed by one Ajijur Rahman being PIL No. 60/2023 and accordingly the said PIL was disposed of with a direction that the amount collected by way of sale of coupon tickets be refunded to the public. It was also directed that no such permissions be granted in future.

5. It is also submitted that the petitioners were absolutely unaware about the PIL and the directions passed therein as neither the petitioners nor the Society received any notice from this Court nor did they appear before this Court. It is further submitted that the cancellation order dated 20.09.2023 was also not received by the petitioners and the petitioners were unaware of the fact that the permission which had

already been accorded to the Society had been rescinded. In the meantime, on 30.09.2023, the lottery was held and the winners were announced. Thereafter, a case was registered vide Jamunamukh P.S. Case No. 50/2023 under Section 120-B/294A/420/468 IPC.

6. During investigation, the investigating officer seized one Alto vehicle, one Maruti WagonR vehicle, one Oppo F-19 Pro+ mobile phone and cash Rs.28,000/- belonging to the petitioner No.2. The investigating officer also froze a Bank Account vide No. 38435414417 which is maintained at SBI, Doboka Branch belonging to the petitioner No. 1 and another bank account vide No. 34032847617 which is maintained at SBI, Doboka Branch belonging to the petitioner No. 2.

7. It is further submitted that one petition vide No. 1916/2023 filed by the petitioner No. 1 before the JMFC, Hoaji for unlocking of his bank account vide No. 38435414417 but the same was rejected. The petitioner No. 2 also filed a petition vide petition No. 1917/2023 before the JMFC, Hojai for zimma of Rs.28,000/- but the same was also rejected.

8. It is also submitted that the petitioner No. 1 is a businessman and the bank account which was frozen, is maintained in connection with his proprietorship business. It is futher submitted that Rs.28,000/- which was seized from the petitioner No. 2 is his personal money. Therefore, the learned counsel for the petitioner has prayed that the zimma of the seized money may be released in favour of the petitioner No. 2.

9. On the other hand, the learned Additional Public Prosecutor for the State has vehemently opposed in granting the zimma of money to the petitioner No. 2 and unlocking of Bank account of petitioner No. 1.

10. I have considered the submissions made by the learned counsel for the parties. A report is received from the investigating officer, as called for.

11. It is reported by the investigating officer that Soif Uddin Laskar, Kamrul Khan, Najmul Khan and Abdul Hannan are the prime accused in this case and they are in the name of lottery coupon, collected huge amount of money from the public and they misappropriated the said public money and thereafter, converted the public money for their own use.

12. In view of the above, the prayers of the petitioners are rejected. Accordingly, the revision petition stands disposed of.

JUDGE

Comparing Assistant