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

Case No. : Crl.Pet./435/2024

GAUTAM ROY
S/O LATE GOPAL ROY, R/O SHIBAJI NAGAR, HAILAKANDI ROAD, P.S.-
SILCHAR, DIST- CACHAR, ASSAM, PIN-788151

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. I H LASKAR, MS. N M LONGKENG, MR. R. KARIM, MR. P
DAIMARY, MR. P K DEKA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 13-12-2024

Heard Mr. S. Dutta, learned Senior Counsel assisted by Mr. P.K. Deka, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State of Assam.

2. This is an application under Section 482 of the BNSS, 2023 read with Article

227 of the Constitution of India praying for setting aside the Order dated 29.01.2024 passed by the learned Sessions Judge, Cachar, Silchar in Criminal Revision Case no. 183/2023.

3. Two persons were arrested by police in Silchar Police Station Case no. 753/2023 which was registered under Sections 120(B)/420/294(A), Indian Penal Code read with some sections of the Assam Game and Betting Act, 1970. During investigation, the arrested persons disclosed before police that the present petitioner was also involved in the said incident. Accordingly, police raided the house of the petitioner and recovered a cash amount of Rs. 39,00,620/- from the possession of the petitioner.

4. The petitioner submits that he is no way associated with the aforesaid offence of game and betting. Therefore, he filed an application before the Court of Chief Judicial Magistrate, Cachar, Silchar seeking custody of the said amount. The Court of Chief Judicial Magistrate, Silchar refused to allow the prayer of the petitioner. Then the petitioner approached the Court of learned Sessions Judge, Cachar, Silchar by filing a revision petition. Learned Sessions Judge, Cachar, Silchar also agreed to the view taken by the learned Chief Judicial Magistrate, Cachar, Silchar.

5. Today, I have considered the submissions made by the learned counsel for both sides.

6. After perusal of the materials available on record, this Court is of the opinion that the cash amount of Rs. 39,00,620/- which was seized from the possession of the petitioner has nothing to do with the offence of games and betting. Therefore, keeping the money in custody of police would not serve any purpose

of the investigating officer. Therefore, it is hereby directed that the amount of Rs. 39,00,620/- which was seized from the possession of the present petitioner in connection with Silchar Police Station Case no. 753/2023 shall be given in custody of the present petitioner, Shri Gautam Roy on taking a bond of Rs. 1,00,000/- within a period of next 30 days by the Investigating Officer of Silchar Police Station Case no. 753/2023.

With the aforesaid direction, the criminal petition is disposed of.

JUDGE

Comparing Assistant