

GAHC010083492024



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

Case No. : Crl.Rev.P./163/2024

TOLARAM SHARMA
S/O GOKUL CHAND SHARMA
R/O JAKHALABANDHA
P.S. JAKHALABANDHA
DIST. NAGAON, ASSAM
PIN-782136

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. G BORAH,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

24.09.2024

Heard Ms. G. Borah, learned counsel for the petitioner. Also heard Mr. B. Sharma, learned Additional Public Prosecutor.

By this application under Section 397 and 401, read with Section 482 Cr.P.C., the petitioner has prayed to recall and cancel the impugned order dated

19.03.2024 in connection with Nagaon PS Case No. 1250/2023 under Section 120(B)/387/399 of IPC passed by the learned CJM, Nagaon whereby the zimma prayer of the seized vehicle bearing Registration No. AS-01Z-2006 and Mobile Handset was rejected.

It is submitted by the learned counsel for the petitioner that the petitioner is the registered owner of the vehicle bearing Registration No. AS-01Z-2006 and mobile handset but he is yet to get the registration certificate in his favour. However, learned counsel for the petitioner has submitted that the name of the petitioner has appeared as owner of the vehicle in Bahan App.

On the other hand, Mr. B. Sharma, learned Additional Public Prosecutor submits that the petitioner may approach before the trial court by filing appropriate petition seeking zimma of the vehicle and the mobile handset as it is reported by the IO that those seized articles are not required for further investigation of the case.

Though the learned counsel for the petitioner has submitted that the petitioner is the registered owner of the vehicle and the mobile handset but no document is available in the record regarding ownership of the vehicle or the mobile handset.

Accordingly, the petitioner is directed to approach before the trial court by filing appropriate application with relevant documents seeking custody of the vehicle and the mobile handset.

The trial court is also directed to verify the ownership of the vehicle as well as mobile handset and release the same to the actual owner.

Accordingly, the Criminal Revision Petition stands disposed of.

JUDGE

Comparing Assistant