

GAHC010093522023



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

Case No. : Crl.Pet./418/2023

MUSHARAF HUSSAIN @ MUSARAF HUSSAIN
S/O NURUL ISLAM
R/O VILL- KACHARIGAON
P.S. JURIA
DIST NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:SHRI ABDUL KHALEQUE
S/O LATE AZAM ALI
R/O VILL- KACHARIGAON
P.O. KALIADINGA
P.S. JURIA
DIST. NAGAON
ASSAM
PIN-78212

Advocate for the Petitioner : MR. M S ALAM

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

11.03.2024

Heard Mr. M.S. Islam, learned counsel for the petitioner. Also heard Mr. K.K. Das, learned Addl. P.P, Assam and Mr. P. Borah, learned counsel for the respondent No. 2.

This is an application under Section 482 of the Cr.PC, 1973 challenging the impugned Order dated 23.12.2021 passed by the learned Addl. Chief Judicial Magistrate, Nagaon, in Petition No. 2532/2021 filed by the petitioner, rejecting the prayer of the petitioner for giving them custody of the vehicle of the petitioner bearing Registration No. AS-02-W-4851, which was seized by the Police in connection with the Juria P.S Case No. 196/2020.

It appears from the impugned Order dated 23.12.2021 that since the Investigating Officer, by filing a report has stated that it is difficult to ascertain the owner of the vehicle, the prayer for interim custody of the vehicle was rejected. During pendency of the aforesaid case, a report was called from the concerned I.O as regards the status of the vehicle.

Today, it is submitted by Mr. K.K. Das, learned Addl. P.P that the petitioner has submitted a copy of the Registration Certificate which indicates that the petitioner is the legal owner of the subject seized vehicle.

In view of the aforesaid, this Court is of the considered view that this criminal petition can be disposed of with a direction to the petitioner to submit

the aforesaid Registration Certificate before the Court of Addl. Chief Judicial Magistrate, Nagaon and thereafter, the Court of Addl. Chief Judicial Magistrate, Nagaon after calling for a report from the concerned I.O decide the Zimma application of the petitioner in accordance with law.

As such, impugned Order dated 23.12.2021 passed by the learned Addl. Chief Judicial Magistrate, Nagaon, in Petition No. 2532/2021 shall be kept in abeyance.

It is needless to clarify that the aforesaid exercise shall be carried out within a period of 1 (one) month from the date of submission of the Registration Certificate by the petitioner before the aforesaid Court.

Accordingly, the criminal petition stands disposed of.

JUDGE

Comparing Assistant