

GAHC010094622024



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

Case No. : Crl.Pet./556/2024

DIGANTA BORA
S/O GHANASHYAM BORA
R/O R.K. MISSION ROAD,
ULUBARI
FLAT NO. 2(B), SYNDICATE PEARL APARTMENT, BYE LANE-
MANIKANCHAN BELTOLA, LAKHIMI PATH, UNDER HATIGAON POLICE
STATION IN THE DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. D GAGAI
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

15.05.2024

Heard Mr.D.Gogoi, learned counsel for the petitioner. Also heard Mr. B. Sharma, learned Addl. Public Prosecutor for the State/respondent.

By filing this criminal petition under Section 482 r/w Section 451/457 of the CrPC, the petitioner has prayed for release of two numbers of Sale Deed, two numbers of Mobile

Handsets and one government ID card which were seized by the investigating authority in connection with ACB Police Station Case No.99/2023 under Section 7 (a) of the PC Act r/w Section 120B of the IPC.

Learned counsel for the petitioner submits that a report may be called for seizure of such articles from the concerned Investigating Officer. It is also submitted that prior to filing of this application, the petitioner had not moved any application before the criminal court seeking custody of such seized articles.

I have perused the record along with documents available thereon.

Admittedly, the petitioner has not filed any application before any criminal court seeking custody of his seized articles. The recent judgment of the Hon'ble Supreme Court in Criminal Appeal No. 1547/2024 wherein it was observed that as per Section 451 CrPC, for custody of articles, one has to first approach before the criminal court and directly approaching the High Court by filing special criminal application is not the proper course.

Having heard the learned counsel for the parties and averments made in the application as well as the citation rendered by the Hon'ble Supreme Court, the criminal petition is disposed of with a direction to the petitioner to approach before the learned trial court seeking custody of the seized articles as aforesaid and accordingly, the learned trial court shall consider the matter in accordance with law.

JUDGE

Comparing Assistant