

GAHC010101252024



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

Case No. : Crl.Rev.P./195/2024

MD. NASIRUL ISLAM
S/O MD. SURUJ ALI, R/O VILL- 1 NO. BORCHALA, P.O.-BORCHALA, P.S.-
NORTH LAKHIMPUR, PIN NO. 787023, DIST-LAKHIMPUR (ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MD A RAHMAN, MR. M RAHMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 16.08.2024

Heard Md. A. Rahman, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State.

2. This is an application under Section 397/401 r/w Section 482 Cr.P.C. praying for setting aside the order dated 08.04.2024 passed by the learned CJM, Lakhimpur, North Lakhimpur, in connection with GR No. 1377/2022(arising out of North Lakhimpur P.S. Case No. 655/2022) under Section 420/406/468/471 IPC.

3. The learned counsel for the petitioner submits that the petitioner is the owner of a mobile phone which was seized in connection with Laphimpur P.S. Case No. 655/2022. It is further submitted that though the petitioner is approached seeking zimma of the mobile before the learned trial court which was rejected on the ground that as per report of the investigating officer, the said mobile phone was required for the purpose of investigation of the case. It is also contended that the petitioner is the owner of the said mobile phone which may be given in zimma to the petitioner.

4. The learned Additional Public Prosecutor has produced a report from the investigating officer by stating that the said mobile phone is no more required for further investigation of the case as such, the mobile phone may be given in zimma to the petitioner.

5. I have considered the submissions made by the learned counsel for the parties. I have also perused the record along with the relevant documents.

6. It appears that no any document is available in the record that petitioner is the owner of the seized mobile phone. As per seizure list, one golden colour mobile handset (I-phone 13 pro max, 256 gb) was seized in connection with this case. It is reported by the investigating officer that the said mobile phone is not required for further investigation of the case.

7. In view of the above, the learned trial court/jurisdictional Magistrate is directed to hand over the seized mobile phone to the owner after proper verification.

8. Accordingly, the criminal revision petition stands disposed of.

JUDGE

Comparing Assistant