

GAHC010104272024



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

Case No. : Crl.Rev.P./205/2024

JALIL SHEIKH
S/O RAHMAN SHEIKH, R/O VILL- JAOLIAPARA, P.O.-SIMBARGAON, P.S.-
KOKRAJHAR, DIST- KOKRAJHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. J AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

11.06.2024

1. Heard learned counsel, Mr. J. Ahmed for the petitioner, Jalil Sheikh.
2. This application has been filed under Section 397 and 401 of the Cr.PC challenging the order dated 23.04.2024 passed in petition No. 78/2024 in connection with Kokrajhar P.S. Case No. 61/2024 for custody of the

vehicle.

3. Heard Ms. S. Jahan, learned Additional Public Prosecutor, Assam for the respondent State.
4. The vehicle bearing registration No. AS-16/AC-0408 (Bolero Pick Up) that was allegedly transporting six heads of stolen cattle. Another vehicle of Tata Intra V10 was also illegally transporting four heads of stolen cattle.
5. It is submitted that the petitioner had purchased the vehicle from Rajib Basumatary who had earlier purchased the same vehicle from Khalilur Rahman vide sale deed dated 08.10.2020, but the vehicle was yet to be transferred to the present petitioner.
6. Vide the impugned order dated 23.04.2024, the learned CJM, Kokrajhar rejected the petition submitted by the petitioner for Zimma of the vehicle.
7. It is averred that a cryptic order was passed based on the records of the Investigating Officer.
8. I have considered the submissions at the Bar with circumspection.
9. A report was called from the Investigating Officer which states that although the vehicle was attached under Section 11(11) of the Assam Cattle Preservation (Amendment) Act-2021, the vehicle can be released as the vehicle is no longer required for further investigation.
10. It is submitted at the Bar that the vehicle was also not attached as per proper procedure and only documents can be attached under Section 11(11) of the Act.
11. Considering all aspects and in the wake of the foregoing

discussions, it appears that the vehicle can be handed over to the rightful owner of the vehicle.

12. The petitioner is hence directed to appear before the learned Trial Court and pray for Zimma of the vehicle and the learned Trial Court may pass any order as per law, relating to Zimma of the vehicle and if the Court deems fit, conditions may be imposed to secure production of the vehicle as and when required by the Court for the purpose of trial or for any other purpose.

13. In view of the above observations, petition is disposed of.

JUDGE

Comparing Assistant