

GAHC010115732024



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

Case No. : Crl.Pet./672/2024

JIA UDDIN
S/O LATE BADRUL HOQUE, R/O BAGHAN, P.S.-BAZARICHERRA, DIST-
KARIMGNAJ, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. J LASKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 20.06.2024

Heard Mr. J. Laskar, learned counsel appearing for the petitioner and Mr. B. Sarma, the learned Additional P.P. for the State of Assam.

2. This is a petition u/s 482 of the Cr.P.C. praying for quashing the judgment dated 29.05.2024 passed by the learned Sessions Judge, Karimganj in Criminal Revision No. 02/2024.

3. 250 bags of betel nuts weighing 12500 kilograms were seized by police in connection with Bazaricherra P.S. Case No. 43/2023.

4. The petitioner claiming to be the owner of the goods filed an application before the

learned Addl. Chief Judicial Magistrate, Karimganj seeking the custody of the seized goods. On 16.03.2023, the learned Magistrate rejected the prayer seeking custody of the betel nuts.

5. Therefore, the petitioner approached this Court vide Criminal Revision Petition No. 261/2023. In this Court, the petitioner had withdrawn the application, but liberty was granted to him by this Court to approach the Trial Court seeking custody of the betel nuts, if the betel nuts were not disposed of.

6. Accordingly, the petitioner approached the Trial Court again on 02.11.2023. The Trial Court referred to the order passed by this Court and gave custody of the seized betel nuts to the petitioner.

7. Thereafter, the State of Assam filed a Revision Petition before the learned Sessions Judge, Karimganj praying for setting aside the aforesaid order passed by the Magistrate.

8. On 29.05.2024, the learned Sessions Judge allowed the Revision Petition and set aside the order of the Magistrate.

9. The only ground shown by the learned Sessions Judge is that the Magistrate cannot review its own order because on earlier occasion, he had rejected the prayer and on subsequent order, he had allowed the prayer.

10. I have considered the submissions made by the learned counsels of both sides. I find that the learned Sessions Judge did not refer to the order passed by this Court.

11. Therefore, the impugned order dated 29.05.2024 passed by the learned Sessions Judge, Karimganj in Criminal Revision No. 02/2024 is bad in law and stands set aside.

12. The order dated 02.11.2023 passed by the Chief Judicial Magistrate, Karimganj giving custody of the seized goods to the petitioner is restored.

The criminal petition stands disposed of.

JUDGE

Comparing Assistant