

GAHC010119662024



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

Case No. : Crl.Pet./689/2024

SOLEMAN ANSARY
S/O MONERUDDIN ANSARY, PERMANENT ADDRESS- VILL- MANTRIR
CHAR, P.O.-MUTHAKHUWA, P.S.-SOUTH SALMARA, DIST-DHUBRI, ASSAM,
PRESENT ADDRESS- VILL- TAIMARI PART-II, P.O.-TIAMARI, P.S.-
GAURIPUR, DIST- DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:RITUJYOTI NATH
SI OF POLICE
GAURIPUR POLICE STATION
DIST- DHUBRI
ASSA

Advocate for the Petitioner : MR S RAHMAN
Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

18.06.2024

Heard Mr S Rahman, learned counsel for the petitioner, Soleman Ansary, who has filed this application under Section 483 of the Code of Criminal Procedure, 1973, with prayer to ensure the expeditious and proper disposal of the Zimma Petition vide Petition

No. 7586/2024, pending in the Court of learned Additional Chief Judicial Magistrate, Dhubri.

2. The next date is fixed on 8th of July, 2024

3. Heard Mr K K Parashar, learned Additional Public Prosecutor for the State of Assam/respondent No. 1.

3. The learned Additional Public Prosecutor has accepted notice on behalf of the respondent No. 1/State of Assam, so no formal notice is required to be issued to the respondent No. 1.

4. I have considered the submissions at the Bar with circumspection.

5. It is submitted that the petition mentioned above was filed before the Additional Chief Judicial Magistrate, Dhubri, on 02.04.2024, for zimma of Rs. 19,99,500/-, seized in connection with Gauripur PS Case No. 447/2022, corresponding to GR Case No. 1973/2022, registered under Sections 120(B)/420/413/34 IPC.

6. It is submitted on behalf of the petitioner that the aforementioned case has culminated into Final Report. The petitioner has continuously prayed for zimma of the aforesaid money seized in connection with this case. The Court of the learned Additional Chief Judicial Magistrate has not disposed of the zimma petition and has kept the case pending for report from the IO.

7. It is also submitted that the IO has forwarded the report with regard to the money

seized in connection with the aforementioned case, but no order has been passed and the petition has been kept pending.

8. It is submitted that the petitioner is the owner of a grocery shop in the name and style of “Almas Store”, situated at the Main Market, Dhubri. This grocery shop had to be closed as the money has been seized in connection with this case. The petitioner was in possession of money as he has sold a plot of his land and one truck, bearing Registration No. AS-17B-2352. The petitioner will suffer immensely if the money is not released and if the petition is not allowed.

9. After considering the submissions at the Bar, the learned Additional Chief Judicial Magistrate, Dhubri, is hereby directed to make every endeavour to expeditiously dispose of the Zimma Petition No. 7586/2024, dated 02.04.2024, as per merits of the case.

10. In terms of the above observations and directions, this criminal petition stands disposed of.

JUDGE

Comparing Assistant