

GAHC010120772024



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

**Case No. : Crl.Rev.P./227/2024**

HASEN ALI  
S/O ABDUL KHALIQUE, P/R/O VILL- BORTHAL KACHARI GAON, P.O.-  
DOLOIGAON, P.S.-MOIRABARI, DIST- MORIGAON (ASSAM). P/R/A  
PRAGATI PATH, MIYAJAN NAGAR, SIJUBARI MAZAR, P.S.-HATIGAON,  
DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner : MR. M A I HUSSAIN**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

**ORDER**

**26.06.2024**

**1.** Heard Mr. M.A.I. Hussain, learned counsel for the petitioner. Also heard Ms. S. Jahan, learned Additional Public Prosecutor appearing for the State of Assam.

**2.** This application under section 397/401 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, impugning the order dated 22.04.2024 passed by the learned Additional Chief Judicial Magistrate, Dhemaaji in PRC Case No. 98/2024, whereby the said Court had allowed the prayer of the petitioner to seek Zimma of the seized Truck with certain conditions.

**3.** The learned counsel for the petitioner has submitted that the petitioner is the registered owner of the Truck bearing Registration No. AS-11AC4087, which was seized in connection with PRC Case No. 98/2024.

**4.** It is also submitted by the learned counsel for the petitioner that the petitioner has purchased the said Truck from one Salim Uddin at a consideration amount of Rs.9,70,000/- only and in support of his submissions, he has annexed a copy of sale agreement as Annexure-2 to the petition.

**5.** The learned counsel for the petitioner has submitted that though the Court of learned Additional Chief Judicial Magistrate, Dhemaaji had allowed the prayer for Zimma, however, it has put a condition of furnishing a bank guarantee of Rs. 40,00,000/- with a condition not to sale or alter the nature of the vehicle.

**6.** The learned counsel for the petitioner submits that the condition imposed by the learned Additional Chief Judicial Magistrate, Dhemaaji for giving Zimma is circumvent to the petitioner as it exceeds many times the value of the Truck the Zimma of which has been allowed by the impugned order.

**7.** The learned Additional Public Prosecutor also submits that apparently the condition imposed for granting Zimma appears to be circumvent for the petitioner.

**8.** As from the documents annexed along with the revision petition, it appears that the petitioner had purchased the aforementioned vehicle at a

consideration amount of Rs. Rs.9,70,000/- only the condition to get bank guarantee of Rs. 40,00,000/- appears to be circumvent and hence, same needs interference by this Court.

**9.** Accordingly, it is hereby directed that in lieu of bank guarantee the petitioner shall furnish an indemnity bond of Rs. 10,00,000/- along with a bond of a solvent surety as a condition for release of the seized vehicle in his Zimma subject to following conditions:-

**i.** That at the time of granting Zimma of the vehicle, the Officer-In-Charge of Dhemaji Police Station shall prepare a detail inventory of the said vehicle and take photographs of the said vehicle from various angles and thereafter, furnish the Zimanama, along with the said inventory to the Trial Court.

**ii.** The petitioner shall not change or alter the vehicle of which Zimma is hereby granted in any manner and shall not disposed of the said vehicle till the disposal of the pending case and without the permission of the Trial Court during the pendency of the trial.

**iii.** The owner shall produce the said vehicle before the Trial Court, if and when so required by the trial.

**10.** The petitioner is permitted to produce a certified copy of this order before the Court of learned Additional Chief Judicial Magistrate, Dhemaji.

**11.** With the above observations, this criminal revision petition is hereby disposed of.

**JUDGE**

**Comparing Assistant**