

GAHC010123662024



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

Case No. : Crl.Rev.P./232/2024

LONGBI TISSO AND 3 ORS
R/O- VILL.- BADONG TISSO GAON, VTC- HAMREN, P.O. AND P.S. HAMREN,
DIST.WEST KARBI ANGLONG, ASSAM, PIN- 782486.

2: POLISOR TISSO
S/O- JENG TISSO
R/O- UMCHERA CALVERY
P.O. UMCHERA
P.S. HAMREN
DORIKA
DIST. WEST KARBI ANGLONG
ASSAM
PIN- 782486.

3: BIREN KRO
S/O- BORSING KRO
R/O- VILL.- HAMREN HABE DENGJA CHRISTEN VTC- HAMREN
P.O. AND P.S. HAMREN
DIST WEST KARBI ANGLONG
ASSAM
PIN- 782486.

4: SIKARI RONGPHAR
S/O- LATE BORSING RONGPHAR
R/O- VILL.- LOBILANGSO
P.O. AND P.S. HAMREN
DIST. WEST KARBI ANGLONG
ASSAM
PIN- 782486

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM

Advocate for the Petitioner : MR M BARMAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

20.06.2024

Heard Mr. M Barman, learned counsel for the petitioners as well as Mr. D. Das, learned Additional Public Prosecutor, Assam.

This is an application filed under Sections 397 and 401 read with Section 482 of the CrPC challenging the order dated 05.06.2024 passed by the learned Judicial Magistrate, First Class, Hamren, West Karbi Anglong in connection with Baithalangso P.S. Case No. 30/2024 registered under sections 379/411 IPC read with Section 13(1) of the Assam Cattle Preservation Act, 2024 and read with Section 11(1)(d) of the Prevention of Cruelty to Animals Act, 1960.

The petitioner has prayed before the trial court for giving custody of his seized vehicles, which were seized by the Police in connection with the aforementioned Baithalangso P.S. Case No. 30/2024.

The trial court allowed the prayer of the petitioner on condition that the petitioner has to furnish a bank guarantee equivalent to the market value of the vehicles.

On the face of the record, it is seen that though the trial court has allowed the custody of the vehicles to the petitioner, but it is a denial of the prayer in disguise. Therefore, the impugned order dated 05.06.2024 passed by the learned Judicial Magistrate, First Class, Hamren, West Karbi Anglong in connection with Baithalangso P.S. Case No. 30/2024 is modified.

Hence, it is directed that the seized vehicles of the petitioner shall be released on taking a personal bond of Rs.50,000/- each.

With the above, the criminal revision petition stands disposed of.

JUDGE

Comparing Assistant