

GAHC010127532024



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

Case No. : Crl.Rev.P./248/2024

SHERIF UDDIN ALI AHMED
S/O LATE JABED ALI AHMED, R/O HOUSE NO. 126, SIJUBARI DARGAH
ROAD, P.S.-HATIGAON, DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R ALI, MR. MUSTAFA HUSSAIN, MR H A AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 17.09.2024

Heard Mr. R.Ali, learned counsel for the petitioner and Mr. B.Sarma, learned Additional Public Prosecutor for the State of Assam.

2. By filing this application under Section 397/401 of the CrPC, the petitioner has prayed for zimma of the seized mobile handsets namely i) One iPhone 14 pro and ii) one Plus in connection with Hatigaon Police Station Case No. 249/2024 under Section 302/34 IPC (arising out of PR Case No. 1341/2024) where the learned Addl.CJM, Kamrup (M), Guwahati had rejected the petition

for zimma of the aforesaid items vide impugned order dated 15.06.2024 in Zimma Petition No. 1602/2024.

The learned counsel for the petitioner submits that the petitioner is the owner of the aforesaid two mobile handsets seized by the police in connection with the aforesaid case. During investigation, the I.O. recovered all mobile details and data from the mobile handsets duly examined by the expert. Charge sheet has already been laid in the case and the mobile phones are kept in Malkahana and there is every possibility of mobile sets becoming damaged in Malkahana. Therefore, the petitioner prays for zimma of the mobile handsets.

Learned Addl.P.P. submits that after proper verification and with conditions, the zimma prayer of the petitioner may be considered.

Having heard learned counsel for the parties and on perusal of the averment and the factual background, this Court is of the opinion that no purpose shall be served keeping the custody of the seized materials in Malkhana for a long time.

In view of the above, the seized mobiles be released to the real owner after proper verification and identification. The owner of the mobiles shall produce the same before the learned trial Court as and when called for the purpose of trial.

Accordingly, the impugned order dated 15.06.2024 in Zimma Petition No. 1602/2024 is hereby set aside.

With the aforesaid observation and direction, this criminal revision petition stands disposed of.

JUDGE

Comparing Assistant