

GAHC010131892024



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

**Case No. : Crl.Pet./827/2024**

BEAUTI BEGUM  
W/O MD. MAHSIN AHMED D/O MD. MAJNUR ALI, R/O GARIGAON,  
MULLAPARA, P.S.-JALUKBARI, GUWAHATI-12, DIST- KAMRUP (M), ASSAM

VERSUS

MD. MOHSIN AHMED AND 3 ORS  
S/O SAHJAHAN AHMED, R/O H. NO. 23, BIRUBARI MASJID ROAD,  
GUWAHATI, P.S.-PALTANBAZAR, DIST- KAMRUP (M), ASSAM, PIN-781016

2:MD. SAHJAHAN AHMED  
S/O UNKNOWN  
R/O H. NO. 23  
BIRUBARI MASJID ROAD  
GUWAHATI  
P.S.-PALTANBAZAR  
DIST- KAMRUP (M)  
ASSAM  
PIN-781016

3:MUSST. SAKILA BEGUM  
W/O MD. SAHJAHAN AHMED  
R/O H. NO. 23  
BIRUBARI MASJID ROAD  
GUWAHATI  
P.S.-PALTANBAZAR  
DIST- KAMRUP (M)  
ASSAM  
PIN-781016

4:MD. SAHZAD AHMED  
S/O SAHJAHAN AHMED  
R/O H. NO. 23  
BIRUBARI MASJID ROAD

GUWAHATI  
P.S.-PALTANBAZAR  
DIST- KAMRUP (M)  
ASSAM  
PIN-78101

**Advocate for the Petitioner** : MR. K BHATTACHARJEE  
**Advocate for the Respondent** :

**BEFORE**  
**HONOURABLE MRS. JUSTICE MALASRI NANDI**

**ORDER**

**18.07.2024**

Heard Md. A. Ali, learned counsel for the petitioner and Mr. D. P. Goswami, learned Additional Public Prosecutor.

By filing this application under Section 482 Cr.P.C., the petitioner has prayed for quashing/modification of the judgment and order dated 03.06.2024 passed in criminal Revision Petition No. 77/2023 and order dated 16.08.2024 passed in CR Case No. 01/2023 disposing of petition No. 5633/23 passed by the learned Judicial Magistrate 1<sup>st</sup> Class, Kamrup(M), Guwahati.

After hearing the learned counsel for the petitioner it reveals that the petitioner has filed a complaint case before the Magistrate vide CR case No. 1/2023 with a prayer for issuance of search warrant under Section 93 Cr.P.C. for recovery of her sridhan property from the matrimonial house of the petitioner i.e. respondents.

It is submitted that by that order, the Magistrate directed the learned counsel for both the parties to complete the entire transaction of return and receipt of the sridhan articles by the parties with due co-operation without any

hindrance from any side on a convenient date. Both the learned counsels representing the parties were also directed to submit a report as regards the return of the sridhan articles on the next date fixed.

Against the said order, the petitioner has preferred a revision before the Sessions court. The learned Additional Sessions Judge set aside the order dated 16.08.2023 to the extent which is reproduced herein below for ready reference:

*“the learned counsels representing both the parties are directed to make sure that the entire transaction of return and receipt of the sridhan articles by the parties takes place with due co-operation and without any hindrance from any side on a convenient date (preferably Sunday). Both the counsels representing the parties are directed to submit a report as regards the return of the sridhan on the next date fixed.”*

From the order of the learned Additional Sessions Judge, it transpires that the order is silent regarding issuance of search warrant under Section 93 of Cr.P.C. or any police protection at the time of return of sridhan property

Under such backdrop, the petitioner is directed to approach before the trial court by filing appropriate application to issue search warrant and in the event of filing any such application, the trial court will consider the matter in accordance with law.

Accordingly, this criminal petition stands disposed of.

**JUDGE**

**Comparing Assistant**