

GAHC010136992024



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

Case No. : Crl.Pet./848/2024

CANARA BANK
HAILAKANDI BRANCH,
HOUSE NO. 62(B)
P.O. R.P. ROAD,
DIST. HAILAKANDI, ASSAM
PIN-788155
REPRESENTED BY ITS AUTHORIZED OFFICER, MR S. KAPIL SINGH (43
YEARS), PH. NO.9748795074

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. M SHARMA, MR R KALITA,MRS. S ISLAM,MS. S YASMIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 19.12.2024

Heard Mr. M. Sharma, learned counsel appearing for the petitioner as well as Mr. D.P. Goswami, learned Additional Public Prosecutor appearing for the State of Assam.

2. This is an application under Section 482/528 of the Code of Criminal Procedure, 1973/BNSS, 2023 praying for setting aside the order dated 24.06.2024 passed by the learned JMFC, Karimganj in Zimma Petition No. 1020 by which the custody of a cash amount of ₹ 50,00,000/- was sought for.
3. Police seized the cash amount of ₹ 50,00,000/- in connection with Ratabari P.S. Case No. 131/2024. The money was seized from a Bank Manager of Canara Bank of Hailakandi Branch. At this stage, the reason for which the money was seized is not relevant. The said case has been charge-sheeted under Sections 120(B)/420/406/409 of the Indian Penal Code.
4. I have considered the submissions made by the learned counsel of both sides.
5. Mr. Goswami has submitted that the Investigating Officer of this case has also made a remark that the money need not be kept seized.
6. Here the petitioner is the bank itself. In such case, the currency notes are not required.
7. Therefore, the impugned order dated 24.06.2024 passed by the learned JMFC, Karimganj in Zimma Petition No. 1020 is set aside.
8. The cash amount of ₹ 50,00,000/-, which is lying deposited in the office of the Chief Judicial Magistrate, Nazira shall be given to the authorised representative of Canara Bank without taking any bond.

The criminal petition stands disposed of accordingly.

JUDGE

Comparing Assistant