

GAHC010148082024



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

Case No. : Crl.Rev.P./277/2024

MD. MAHIBUR RAHMAN
S/O NUR HUSSAIN
R/O VILL- PARASU TANGANI
P.S. MIKIRBHETA,
DIST. MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. G BORAH,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 02.08.2024

Heard Ms. G.Borah, learned counsel for the petitioner. Also heard Mr.D.P.Goswami, learned Additional Public Prosecutor, Assam appearing for the State respondent.

By filing this revision petition under Section 438/442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner has prayed for recalling/

cancellation /modification of the impugned order dated 13.06.2024 in connection with Tezpur PS Case No. 797/2023 under Section 379/411 IPC r/w Section 13 (1) of the Assam Cattle Preservation (Amendment) Act r/w Section 11 of Prevention of Cruelty to Animal Act passed by the learned CJM, Sonitpur, Tezpur whereby it was directed to release the vehicle bearing Registration No. AS-01-FC-0316 in favour of the petitioner subject to furnishing a bank guarantee of the value of the vehicle.

The learned counsel for the petitioner submits that the petitioner has to maintain his family by doing petty business of car rental and is not in a position to furnish bank guarantee of the value of the vehicle. It is also submitted that the concerned I.O. may be directed to accept the security in the form of landed property or any other form of bond to release the aforesaid vehicle in favour of the petitioner. As such, petitioner prays for modification of the aforesaid impugned order.

Mr. D.P.Goswami, learned Additional Public Prosecutor, submits no objection on the prayer of the petitioner.

Having heard the learned counsel for the parties and on perusal of the documents annexed to the application and considering the averments made in the petition, the aforesaid impugned order dated 13.06.2024 is modified to the extent that the petitioner is allowed to furnish bond for an amount equivalent to the value of the seized vehicle instead of furnishing Bank guarantee to the satisfaction of investigating officer.

The criminal revision petition stands disposed of accordingly.

JUDGE

Comparing Assistant