

GAHC010178642024



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

Case No. : Crl.Pet./1084/2024

SHEFALI BHATTACHARJEE
W/O SAMEN BHATTACHARJEE, VILL- NAYAPARA PT-1, P.S. AND DIST-
BONGAIGAON, ASSAM, PIN-783380

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:S.I. SUKESH GHOSH
S/O SRI SUKUMAR GHOSH
I/C
NORTH BONGAIGAON
PP
DIST- BONGAIGAON
ASSA

Advocate for the Petitioner : MR. M KHAN, MS J AKTAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 05.11.2024

Heard Mr. M. Khan, learned counsel for the petitioner. Also heard Mr. D. Das,

learned Additional Public Prosecutor for the State.

This is an application under Section 528 of BNSS, 2023, against the impugned order dated 13.06.2024 passed by the learned Special Judge, Bongaigaon in connection with Bongaigaon P.S. Case No. 142/2024, whereby zimma of seized mobile was rejected.

It is submitted by the learned counsel for the petitioner that in connection with Bongaigaon P.S. Case No. 142/2024, the police seized a mobile phone (I phone 14) from the possession of Sri Pankaj Bhattacharjee, son of the present petitioner. It is also submitted that as confiscation proceeding is pending, the learned trial court rejected the zimma of the seized mobile phone. As such, the present petition has been filed.

Mr. Das, learned Additional Public Prosecutor for the State has produced a report from the concerned I/O, which reflects that one mobile phone (I phone 14) was seized on 18.04.2024 in connection with Bongaigaon P.S. Case No. 142/2024. It is also reported that as per report of I/O, confiscation proceeding is still awaited.

I have considered the submissions of learned counsel for the parties. Also perused the report of the I/O.

From the report of the I/O, it also discloses that charge sheet has been laid in the case.

In view of the above, the petitioner is directed to approach before the trial court by filing fresh application seeking zimma of the seized mobile phone. The trial court is directed to give zimma of the seized mobile phone to the actual owner after proper verification.

The report of the concerned I/O be treated as part of the record.

The criminal petition stands disposed of.

JUDGE

Comparing Assistant