

GAHC010179322024



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

Case No. : Crl.Pet./1089/2024

MD. FARID ALI
S/O MD. KUTUBUDDIN
R/O JALUGUTI, TUKUNABARI
P.S. MIKIRBHETA
DIST. MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PP, ASSAM

2:SI
SANJIB DAS
C/O PRAGJYOTISHPUR P.S.
S/O SHRI GAHIN DAS
R/O BACHAGAON
P.S. PANIGAON
DIST. LAKHIMPUR
ASSA

Advocate for the Petitioner : MR S M ABDULLAH P, MD IMRAN,MD R ISLAM,MR. S RAHMAN,MS F HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 25.11.2024

Heard Mr. S.M.Abdullah P, learned counsel for the petitioner and Mr.

D.P.Goswami, learned Addl.P.P. for the State respondent No.1.

By filing this application under Section 528/438/442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner has prayed for setting aside and quashing of the order dated 18.01.2024 passed by the learned SDJM (S) No.1, Kamrup (M) Assam in connection with Pragjyotishpur PS Case No.175/2023 u/s 379/411 of the IPC r/w Section 13 (1) of the Assam Cattle Preservation (Amendment) Act r/w Section 11 (a)(b) & (d) of Prevention of Cruelty to Animal Act.

Learned counsel for the petitioner submits that vide the order dated 18.01.2024, the prayer for zimma of cash amount of Rs.17,500/- vide Petition No.4911 was rejected by the learned trial court.

Learned Addl.P.P. submits that charge sheet has been laid in connection with the case vide CS No.16/2024 dated 28.02.2024 and the petitioner may approach before the trial court to consider the matter afresh.

Having heard learned counsel for the parties and as charge sheet has been laid in the case, the status of the case has been changed. The petitioner may approach before the trial court by filing appropriate application seeking custody of the seized money and the learned trial court will consider the matter in accordance with law.

The criminal petition stands disposed of.

JUDGE

Comparing Assistant