

GAHC010184572024



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

Case No. : WP(C)/4624/2024

IMRAN ALI
SON OF JAMIR ALI,
RESIDENT OF JAMBARI, BOKO,
POLICE STATION- BOKO,
DISTRICT- KAMRUP, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM,
HOME DEPARTMENT, DISPUR, GUWAHATI,
PIN- 781006, KAMRUP METROPOLITAN DISTRICT,
ASSAM.

2:THE DIRECTOR GENERAL OF POLICE
ASSAM
ASSAM POLICE HEAD QUARTERS

B.K. KAKATI ROAD
ULUBARI

GUWAHATI
PIN-781007

KAMRUP METROPOLITAN DISTRICT

ASSAM.

3:THE SUPERINTENDENT OF POLICE
SONITPUR DISTRICT
POLICE STATION- DHEKIAJULI

PIN- 784110

DISTRICT- SONITPUR
ASSAM.

4:THE OFFICER-IN-CHARGE
DHEKIAJULI POLICE STATION
DHEKIAJULI
PIN- 784110

DISTRICT- SONITPUR
ASSAM

Advocate for the Petitioner : MR. P K MUNIR, MR K HUSSAIN,MR. A. GAYAN

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

23.09.2024

Heard Mr. P.K. Munir, learned counsel for the petitioner and Mr. M. Chetia, learned counsel for all the respondents.

2. The petitioner is aggrieved by the seizure of his Ashok Leyland truck bearing registration No. AS-25-FC-1547 by the Police from the Dhekiajuli P.S. on 10.03.2024, without there being any case or General Diary Entry being made against the said truck. The petitioner's further grievance is that despite the petitioner having tried to have the vehicle released on zimma, the petitioner's request is not being entertained by the authorities in the Dhekiajuli Police Station.

3. The petitioner's counsel submits that no seizure memo has been handed over to the petitioner, who is the owner of the truck till today.

4. Mr. M. Chetia, learned counsel for all the respondents has submitted letter No. Crime/106/2024/5098 dated 19.09.2024 issued to him by the Superintendent of Police, Sonitpur, Tezpur, which is to the effect that a General Diary Entry was made vide Dhekiajuli Police Station GDE No.14 dated 12.03.2024, in connection with the custody of the above vehicle.

5. The General Diary Entry dated 12.03.2024, which is attached to the above letter dated 19.09.2024, states as follows at Sl. Nos. 6 & 7 :-

“6. G.D. Brief: Yesterday on dated 11/03/2024, at about 11:20 PM an information received from a VDP Bhergaon that a suspected abandoned Gutkha Loaded Truck kept at Bhergaon. Upon receiving information, I along with WSI(P) Priyanka Buragohain and other PS staff proceed to the PO for inquiry the matter and after reached at the PO it is found that the Truck bearing registration no AS 01 QC 3066 plying from Guwahati to Tezpur loaded with 85 bags of Gutkhas was hijacked from Kharupetia and kept at Bhergaon for unloading the loaded items with another offensive vehicle bearing registration no AS 25 FC 1547. When the local (Bhergaon) VDP and villagers came to PO for inquiry the matter, the miscreants were fled away from the PO with offensive vehicle and left the Hijacked vehicle. Thereafter, to recover the offensive vehicle an search operation was conducted, and the offensive vehicle (AS 25 FC 1547) loaded with 28 bags of Gutkha found at Silburi area under Orang PS Jurisdiction. Accordingly, it is informed to Orang PS and kept the vehicle at Dhekiajuli PS. At that time, after getting information about the driver of the hijacked vehicle, we proceed to Robartola and found that, the driver of the Hijacked Vehicle namely Prem Kumar Mahato S/O- Shiv Kumar Mahato of vill-Dharmapur Bandey PS-Patori Dist- Samastipur Bihar) who was kidnapped by the miscreants and left him in Robartala area under Dhekiajuli PS Jurisdiction area in Hand tide with towel and mouth covered with cloth and he was being badly assaulted by the miscreants. Later, the said driver was recovered and both the vehicle brought to PS and kept at PS custody for further necessary action.

7. Subject: Regarding Truck Hijacked.”

6. On perusal of the letter dated 19.09.2024 and the General Diary Entry made by the police, there is nothing to show that any case has been registered against the petitioner or the truck. The only thing that can be seen is that the truck was apparently hijacked and it was carrying gutkha. The above being said, the petitioner who claims to be the owner of the truck is required to be heard by the O/C, Dhekiajuli Police Station with regard to his prayer for releasing the vehicle on zimma, after verifying the claim of the petitioner that he is the owner of the truck, vis-a-vis, the vehicle documents, which may have been seized along with the vehicle. In addition to the above, the petitioner may also produce documents to show that he is the owner of the truck. The issue whether the petitioner is the owner of the truck can also be clarified from the Vahan portal. In the event the petitioner is found to be the owner of the truck and if no case is registered against the truck or the petitioner, appropriate directions for release of the truck should be issued by the O/C of Dhekiajuli Police Station. The entire exercise should be completed within a period of 3(three) days, from the date of receipt of an application from the petitioner along with a copy of this order.

7. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant