

GAHC010197502024



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

Case No. : Crl.Rev.P./376/2024

LUMTA TISSO
S/O SARTHE TISSO
R/O BORKOK,
VILL- CHINTHONG TERON GAON,
VTC- BAIHALANGSO, P.O. AND P.S. BAITHALANGSO, SUB DISTRICT-
DONKA, VTC- HAMREN, P.O. AND P.S. HAMREN, DIST. KARBI ANGLONG,
ASSAM, PIN CODE- 782450

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR M BARMAN,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 25.09.2024

Heard Mr. M. Barman, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the State.

2. This is an application under Section 397/401 r/w Section 482 Cr.P.C. against the orders dated 01.02.2024 and 19.07.2024 passed by the learned JMFC, West Karbi Anglong in connection with Baithalangso P.S. Case No. 69/2023 registered under Section 380 IPC r/w Section 13(1) of Assam Cattle Preservation Act, 2021, whereby the learned Magistrate allowed the zimma of seized vehicle bearing Regd. No. AS-01-FC-8539 (TATA Yodhya pickup vehicle) subject to furnishing of bank guarantee equivalent to market value of the vehicle to the satisfaction of the court.

3. The learned counsel for the petitioner submits that the petitioner relies on the income from the seized vehicle for their livelihood. The condition imposed by the learned trial court requiring the petitioner to furnish a bank guarantee equivalent to the market value of the aforesaid vehicle, imposes further hardship, as the petitioner has already taken the vehicle on loan, making it infeasible to provide such guarantees. It is further submitted that once the case has been charge-sheeted, it no longer falls under the purview of Section 11(5) of the Assam Cattle Preservation Act, 2021. Therefore, he has filed this petition releasing the vehicle by executing bond equivalent to the market value of vehicle instead of bank guarantee.

4. The learned Additional Public Prosecutor submits that the prayer of the petitioner may be considered.

5. I have considered the submissions made by the learned counsel for the parties. I have also perused the relevant documents.

6. In view of the above, the learned trial court is directed to release the vehicle bearing Regd. No. AS-01-FC-8539 (TATA Yodhya pickup vehicle) by executing a bond of amount equivalent to market value to the said vehicle.

7. In view of the above, the orders dated 01.02.2024 and 19.07.2024 are

hereby set aside.

8. Accordingly, the criminal revision petition stands disposed of.

JUDGE

Comparing Assistant