

GAHC010212992024



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

Case No. : Crl.Pet./1372/2024

AKHLAI UDDIN
S/O CHERAG ALI
VILL- SHERALIPUR, P.O. LAMAJWAR
P.S. BADARPUR
DIST. KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR H R CHOUDHURY, K MAINUDDIN, A S PRODHANI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 17.12.2024

Heard Mr. HR Choudhury, learned counsel appearing for the petitioner as well as Mr. RR Kaushik, learned Additional Public Prosecutor for the state of Assam.

2. This is an application under Section 482 read with Section 401 of the Cr.P.C. challenging the order dated 12.09.2024 passed by the learned Sessions Judge, Karimganj in

Crl. Revision No. 17/2024 in connection with Badarpur P.S. Case No. 154/2023.

3. 230 bags of betel nuts were seized by Assistant Sub-Inspector of Police, Badarpur.

4. Vide order dated 07.08.2024 passed in Crl. Pet. No. 608/2024, the learned Chief Judicial Magistrate, Karimganj directed that the present petitioner be given custody of the seized betel nuts on furnishing bond valued equal to the value of the seized betel nuts.

5. Thereafter, a revision petition was filed against that order. On 12.09.2024 the learned Sessions Judge passed an order. In that order, neither the order of the learned Chief Judicial Magistrate, Karimganj was set aside nor the learned Sessions Judge agreed with the view taken by the learned Chief Judicial Magistrate, Karimganj.

6. On a plain reading of the order dated 12.09.2024, it is very apparent that the learned Sessions Judge failed to exercise judicial mind while passing a judicial order. Therefore, the order dated 12.09.2024 passed by the learned Sessions Judge, Karimganj in Crl. Revision No.17/2024 is set aside.

7. The investigating Officer is directed to give custody of the seized betel nuts, which were seized in respect of Badarpur P.S. Case No. 154/2023 to the present petitioner on taking a bond of Rs.50,000/- (Rupees fifty thousand).

With the aforesaid direction, the present criminal revision petition is disposed of.

JUDGE

Comparing Assistant