

GAHC010241592023



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

Case No. : Crl.Pet./1168/2023

ARUN SAHANI @ ARUN KUMAR SAHANI
S/O LATE ASARFI SAHANI, R/O BISHNUPUR MAIN ROAD, NEAR KALI
MANDIR, P.O.-GOPINATH NAGAR, P.S.-BHARALUMUKH, GUWAHATI-
781016, DIST-KAMRUP (M), ASSAM

VERSUS

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

2:JITEN CH. DEKA
S/O MANGAL CH. DEKA
R/O BONDA (DHUPGURI)
P.O.-BOND

Advocate for the Petitioner : MR. P S BHATTACHARYYA
Advocate for the Respondent : PP, ASSAM

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

19.06.2024

Heard Mr. P.S. Bhattacharyya, the learned counsel appearing for the petitioner. Also heard Mr. D. Das, the learned Addl. Public Prosecutor, Assam representing the Respondent No.1. Mr. R.C. Saikia, learned counsel appears for Respondent No.2.

2. This is an application under Section 482 of the CrPC read with Section 401 of the said Code challenging the order dated 30.08.2023 passed by the learned Judicial Magistrate 1st Class, Kamrup(M), Guwahati in Noonmati P.S. Case No.452/2023.
3. The Respondent No.2 was the owner of a city bus. He used to park the said city bus by the side of the road. One day, the bus was found missing. Therefore, he lodged an FIR before police.
4. During investigation, it was discovered that a Crane bearing Registration No.AS-09C-0488 was used to remove the said city bus and ultimately the city bus was sold to a scrap shop.
5. The said scrap shop transformed the city bus into scrapped and sold it in the market.
6. Police seized the aforesaid Crane.
7. The petitioner Arun Sahani @ Arun Kumar Sahani claiming to be the owner of the said Crane filed an application before the learned trial court seeking custody of the said crane.
8. The learned trial court rejected the prayer of the petitioner.
9. Today, I have gone through the case diary.
10. I find that the stolen city bus was taken to the scrap shop of the present petitioner Arun Kumar Sahani who had allowed the other persons to use his Crane to bring the city bus to his scrap shop.
11. Thus, I am of the considered opinion that under the given circumstances of the case, the learned trial court has rightly rejected the prayer for custody. I do not find any merit in the present petition.
12. Accordingly, same stands dismissed and disposed of.

Return the case diary.

JUDGE

Comparing Assistant