

GAHC010263612023



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

Case No. : Crl.Rev.P./502/2023

AMINUL ALI
S/O KABIL UDDIN SHEIKH
R/O VILL- NO. 94 DUURIA PT. III
P.O. ANDP.S. ABHAYAPURI
DIST. BONGAIGAON, ASSAM
PIN-783384

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:KRISHNAPRIYA KATAKI
WSI
OF BISWANATH CHARIALI POLICE STATION
P.S. BISWANATH CHARIALI

DIST. BISWANATH
ASSAM
PIN-78417

Advocate for the Petitioner : MR. R ALI

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

05.02.2024

Heard Mr R Ali, learned counsel for the petitioner, Aminul Ali.

2. The petitioner has filed this application under Sections 397/401, read with Section 384 of the CrPC, challenging the legality and propriety of the impugned order dated 30.10.2023, passed by the learned CJM, Biswanath, in Biswanath Chariali PS Case No. 38/2023, registered under Sections 420/379/411/34 IPC, rejecting the prayer of zimma of the seized vehicle bearing Registration No. AS-01-GC-7994.
3. Heard Ms A Begum, learned Additional Public Prosecutor for the State of Assam.
4. It is submitted by the learned Additional Public Prosecutor that a report has been received from the Investigating Officer, who has submitted his objection relating to zimma of the vehicle as the vehicle is required for further investigation of this case.
5. Per contra, the learned counsel for the petitioner has submitted that the vehicle has been lying in the Police Station since the month of March, 2023. The vehicle is getting damaged as it is lying in the open. The main accused, the driver and handyman, who were found carrying 24 head of cattle in the vehicle, have already been granted bail in connection with this case.
6. Considering the report submitted by the Investigating Officer, this petition is disposed of with a direction to the petitioner to appear before the concerned I.O. alongwith all necessary relevant documents regarding ownership of the vehicle bearing Registration No. AS-01-GC-7994 and if the Investigating Officer is satisfied with the documents to be produced by the petitioner regarding ownership, the vehicle be released to the petitioner.
7. Let the report of the IO, be kept as a part of record of this case.

8. The Criminal Revision Petition stands disposed of.

JUDGE

Comparing Assistant