

GAHC010266192023



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

Case No. : Crl.Rev.P./519/2023

TARALI DAS
W/O TUNTUN DAS
R/O VILL- SUALKUCHI,
KAIBARTAPARA, P.S. SUALKUCHI,
DIST. KAMRUP, ASSAM
PIN-781103

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S S S RAHMAN, MS B H SHIRIN, H. BHARALI, MS S Z HAYAT, MR S AHMED, MR. M R SODIAL

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

29/08/2024

Heard Mr. S S S Rahman, learned counsel for the petitioner and Ms. S Jahan, learned Additional Public Prosecutor, Assam for the State respondent.

2. Petitioner's mobile handset, Redmi 5G, Sl. No. 221013161 was stolen from her residence in a theft case. Later, during search, police in Sualkuchi P.S. Case No. 169/2023 seized the said mobile handset from the possession of one Jubin Das, son of Ganga Das vide Seizure Memo being M.R. No.

42/2023 dated 29.10.2023 from Kaibartapara.

3. The petitioner on coming to know about the same, approached the Court of learned Judicial Magistrate, First Class, Hajo, Kamrup for Zimma of the said mobile handset. However, the learned Magistrate by its order dated 16.11.2023 rejected Zimma of the said mobile handset to the petitioner following the Division Bench's judgment of this Court passed in Crl. Pet. No. 284/2022 (State of Assam Vs. Ram Shakar Maurya) and other connected criminal petitions, decided on 02.03.2023 on the ground that police during investigation produced the said mobile handset before the Court and as such, under the provision of Section 457 Cr.P.C. on production of the said seized mobile handset, the Court has no such power to give Zimma of any such seized materials.

4. Perused the judgment of the Division Bench passed in Crl. Pet. No. 284/2022 (State of Assam Vs. Ram Shakar Maurya) and other connected criminal petitions that was decided on 02.03.2023.

5. Ms. Jahan, learned Additional Public Prosecutor, Assam, on instruction of the Officer-in-Charge of Sualkuchi P.S. Case No. 169/2023 dated 27.08.2024 submitted that the seized article seized vide M.R. No. 42/2023 dated 29.10.2023 in said Sualkuchi P.S. Case No. 169/2023 under Sections 457/380 IPC is not required as the investigation is already completed and charge-sheet in said Sualkuchi P.S. Case No. 169/2023 has already been submitted on 31.10.2023 vide Charge-Sheet No. 105/2023.

6. At this juncture, Mr. Rahman, learned counsel for the petitioner, on instruction, prays for withdrawal of this criminal revision petition.

7. Accordingly, this criminal revision petition, stands dismissed on withdrawal.

8. Copy of the communication of the Officer-in-Charge of Sualkuchi P.S. Case No. 169/2023 dated 27.08.2024 placed before the Court today by Ms. S Jahan, learned Additional Public Prosecutor, Assam be kept as a part of the record.

JUDGE

Comparing Assistant