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

Case No. : Crl.Pet./1301/2023

AKRAM ALI AND ANR
S/O AKKAS ALI
R/O KARAIBILL
P.S. CHHAYGAON
DIST. KAMRUP, ASSAM

2: HAFIZUR RAHMAN
S/O AKKAS ALI
R/O KARAIBILL
P.S. CHHAYGAON
DIST. KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY THE PP, ASSAM

2:THE DISTRICT MAGISTRATE

KAMRUP
AMINGAON
ASSAM

3:M/S MEHI ENTERPRISES

REPRESENTED BY ITS AUTHORIZED PERSON BINOD RAUT
HAIVNG ITS REGISTERED OFFICE AT 2ND FLOOR 2-C-5
SHINE TOWER
SARABHATI CHARIALI
GUWAHATI-781008
IN THE DISTRICT OF KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. A AHMED, MR. S H ZAMAN,MR. I U CHOWDHURY

Advocate for the Respondent : PP, ASSAM, MD. A KHAN (R-3),MR. P K ROYCHOUDHURY (R-3)

Linked Case : Crl.Pet./176/2024

MEHI ENTERPRISES
HAVING ITS REGISTERED OFFICE AT 2ND FLOOR 2-C-5
SHINE TOWER
SARABHATI CHARALI
GUWAHATI-781008
IN THE DISTRICT OF KAMRUP (M)
ASSAM
REPRESENTED BY AUTHORIZED PERSON NAMELY SHRI KAILASH
MANDAL
AGED ABOUT 51 YEARS
S/O LATE RAMKHELAWAN MANDAL
PERMANENT RESIDENT OF BEHTA
KANHAULI
DIST. DARBHANGA
PIN-847239
BIHAR
PRESENTLY RESIDING AT C/O MEHI ENTERPRISES
2ND FLOOR 2-C-5
SHINE TOWER

SARABHATI CHARALI
GUWAHATI-781008
DIST. KAMRUP (M)
ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY THE PP
ASSAM

2:AKRAM ALI
S/O AKKAS ALI
R/O KARAIBILL P.S. CHAYGAON
DIST. KAMRUP
ASSAM

3:HAFIZUR RAHMAN
S/O AKKAS ALI

R/O KARAIBILL P.S. CHAYGAON
DIST. KAMRUP
ASSAM

Advocate for : MR. P K ROYCHOUDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND 2 ORS

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 06.12.2024

Heard Mr. A. Ahmed as well as Mr. P.K. Roy Choudhury, learned counsel appearing for the petitioners in Criminal Petition No.1301/2023 and Criminal Petition No.176/2024. Also heard Mr. D. Das, learned Additional Public Prosecutor for the state of Assam.

2. 143 bags of betel nuts were seized from the house of one Jahirul Islam in connection with Chhaygaon P.S. Case No. 354/2023. During the pendency of investigation, the petitioner, Mehi Enterprises staked the claim that the seized betel nuts belonged to them.

3. The learned court below directed the District Magistrate, Kamrup District to cause sale of the entire seized betel nuts. In a subsequent revision petition, the learned Sessions Judge, Kamrup, Amingaon had agreed with the decision of the trial court. When the petitioners approached this Court, this Court had stayed the order of the Chief Judicial Magistrate, Kamrup, Amingaon directing auction sale of the seized betel nuts.

4. The learned counsels of both sides have agreed that the matter should be decided by the Chief Judicial Magistrate, Kamrup, Amingaon.

This Court is of the opinion that the submissions made by the learned have force in it.

5. Therefore, the matter is remanded to the court of the learned Chief Judicial Magistrate, Kamrup, Amingaon for deciding the matter relating to the prayer of custody.

6. The learned Chief Judicial Magistrate, Kamrup, Amingaon shall procure a fresh police report before deciding the matter.

With the aforesaid direction, both the criminal petitions are disposed of.

JUDGE

Comparing Assistant