

GAHC010293762023



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

Case No. : Crl.Pet./1408/2023

SHAJAHAN ALI SK
S/O LT. MOGBUL ALI SK.
R/O VIL- DURAMARI
P.O. SIMBAR GAON
P.S. AND DIST. KOKRAJHAR, BTR, ASSAM, PIN-783370

VERSUS

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

2:SHRI ANJALU BASUMATARY
S/O SHRI HAGAM BASUMATARY
R/OVILL- NAYAKGAON
BOROPWTHAR
P.O. NAYAKGAON
P.S. AND DIST. KOKRAJHAR (BTR)
ASSAM
PIN-78337

Advocate for the Petitioner : MR. M U MONDAL

Advocate for the Respondent : PP, ASSAM

BEFORE

HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

15.03.2024

Heard Mr. M.U. Mondal, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor, appearing for the State respondent.

This is an application under Section 482 of the Code of Criminal Procedure, 1973 assailing the order dated 11.12.2023, passed in Kokrajhar P.S. Case No. 348/2023 registered under Section 413 of IPC, read with Section 13(1)/16 of the Assam Cattle Preservation Act, 2021 and read with Section 11(1)(d) of the Prevention of cruelty to Animals Act.

The fact of the case is that two numbers of cattle and the vehicle, i.e. bearing Registration No. ML-08-C-4757 (Mahindra Scorpio) were seized on 11.10.2023, wherein cattle were illegally carried. Accordingly, a case was registered. Subsequently, the petitioner being the registered owner of the said vehicle has filed a petition under Section 457 Cr.P.C. praying zimma of the said vehicle.

However, the court of learned Special Judge, by order dated 11.12.2023 rejected the aforesaid application.

Aggrieved by the said order, the petitioner filed the present petition under Section 482 of the Code of Criminal Procedure, 1973.

Mr. M.U. Mondal, learned counsel for the petitioner submits that in the meantime, charge-sheet has already been filed.

Mr. K.K. Parasar, learned Additional Public Prosecutor, appearing for the State respondents affirms the same and submits that the charge-sheet has been

filed vide C.S. No. 341/2023 dated 30.11.2023.

I have heard the submissions made at the bar and have perused the materials available on record.

It appears that the investigation has already been completed and the cattles have also been recovered.

It further appears that the petitioner is the registered owner of the seized subject vehicle.

Registration certificates are also annexed to the petition. As such, it appears that further custody of the vehicle may not be required for the purpose of investigation as charge-sheet has already been filed.

As such, in the ends of justice, this court directs release of the seized vehicle bearing Registration No. ML-08-C-4757 (Mahindra Scorpio) to the petitioner, subject to the condition that the petitioner shall submit bank guarantee of Rs. 5 lakhs equivalent to the value of the seized vehicle before the trial court.

With the above observations, this criminal petition stands disposed of.

JUDGE

Comparing Assistant