



Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Rev.P. No.13 of 2025

Date of Order: 15.12.2025

Shri. Demetrius Onel Swer Kharkrang
 Son of Shri. Ian Onel Swer
 Resident of Mawlai, Mawroh,
 East Khasi Hills District, Meghalaya-793008.

.....Petitioner

-VERSUS-

1. State of Meghalaya represented by its
 Commissioner and Secretary, Home Police Department
 Government of Meghalaya.

2. The Superintendent of Police, Ri-Bhoi District,
 Government of Meghalaya.

3. The Investigation Officer, Umiam Police Station
 Ri-Bhoi District, Meghalaya.

.....Respondents

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. K. Paul, Sr.Adv with
 Mr. S. Thapa, Adv

For the Respondent(s) : Mr. N.D. Chullai, AAG with
 Ms. Z.E. Nongkynrih, GA

(ORAL)

Heard Mr. K. Paul, learned Senior counsel assisted by Mr. S. Thapa, learned counsel appearing for the petitioner and also Mr. N.D. Chullai, learned AAG assisted by Ms. Z.E. Nongkynrih, learned GA appearing for the respondents.

By this revision petition, the petitioner has challenged the



impugned order dated 11.11.2025 passed in Zimma Application No.147 of 2025 by the Chief Judicial Magistrate, Nongpoh, Ri-Bhoi District, by which the petitioner's prayer for release of his vehicle bearing Registration No.ML 10 X 1010 (Dumper Truck) was rejected. The petitioner has also prayed for passing of necessary direction for release of the said vehicle.

The brief fact of the case is that the vehicle of the petitioner was allegedly involved in a road accident which took place in Sumer Umbang, Ri-Bhoi District, resulting in death of one person. Consequently, a police case vide Umiam P.S. Case No.87(09) of 2025 under section 281/106(1) BNS was registered. Thereafter, the vehicle of the petitioner was seized by the police.

It appears from the record that the petitioner has approached the Court of Chief Judicial Magistrate on several occasions for release of the said vehicle, however, such prayer was rejected by the Court below by orders dated 22.10.2025 and 11.11.2025. Being aggrieved, the petitioner has approached this Court for release of the seized vehicle.

The learned Senior counsel appearing for the petitioner submits that the petitioner has made an attempt to settle the matter with the family of the victim and in the process an amount of Rs. 2,00,000/- (Two Lakhs) has already been paid to the kin of the victim. He further submits that the petitioner is willing to offer adequate security for release of the vehicle, however, as the exact amount of such security is not known to the petitioner, he is unable to tender any security. He, therefore, submits that the appropriate authority may be directed to assess the valuation of the seized vehicle in order to determine the amount of security to be offered for release of the vehicle on zimma.

The learned AAG appearing for the respondents submits that the orders of rejection passed by the Court of the Chief Judicial Magistrate do not suffer from any infirmity or illegality as the orders are based on



established propositions of law. However, the learned AAG submits that if the petitioner is willing to deposit the requisite amount or is ready to offer adequate security for release of the vehicle, the State will have no objection to such release on zimma.

Upon hearing the learned counsels for the parties and on perusal of materials on record, it appears that pursuant to the occurrence of the accident, the matter was informed to the Motor Accidents Claim Tribunal by the police. However, there is nothing on record to show whether the value of the vehicle seized by the police was assessed.

In the above situation, this petition is disposed of by granting liberty to the petitioner to prefer a fresh application before the Court of the Chief Judicial Magistrate seeking release of the seized vehicle on zimma. In the event any such application is filed, the Chief Judicial Magistrate shall issue necessary direction to the appropriate authority to assess the value of the Dumper Truck bearing Registration No.ML 10 X 1010 seized by the police. Upon receiving the report of valuation of the vehicle, the learned Chief Judicial Magistrate shall release the seized vehicle to the petitioner if the petitioner is ready to offer adequate security for such release in accordance with law and there exists no other legal bar for the same. While releasing the vehicle on zimma, upon fulfilment of the above terms, the learned Chief Judicial Magistrate may also impose such other condition as may be deemed necessary in the interest of justice.

With the above, this revision petition is disposed of.

Judge

Meghalaya
15.12.2025
"Shrity,PS"