GAHC010071182020

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

Case No. : Crl.Pet./288/2020

MADHUMA BORAH
W/O SRI LAKHIRAM BORAH, R/O ALENGMORA, P.O. AND P.S. PULIBOR, DIST. JORHAT, ASSAM

VERSUS

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

2:ABHIJIT BORA
S/O LT. NAREN BORA

3:SANGITA BORA
W/O SRI ABHIJIT BORA
R/O NEW AMOLAPATTY
WARD NO. 10
GOLAGHAT TOWN
P.O P.S. AND DIST. GOLAGHAT
ASSA

Advocate for the Petitioner : MR. P J SAIKIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MIR ALFAZ ALI

ORDER

Date : 16-12-2020

Heard the learned counsel for the petitioner and the learned Addl. PP, Assam, Mr. B.B. Gogoi.

It is submitted by the learned counsel for the petitioner that the petitioner is the registered owner of the vehicle bearing registration No. AS-03-BC-8666, which was seized by the police in connection with Jorhat P.S. Case No. 418 of 2020 registered under Sections 406/420 IPC. It is also submitted by the learned counsel for the petitioner that the vehicle was given to the interim custody of respondent No. 3 Smti Sangita Bora by order dated 8.4.2020, passed by the learned CJM, Jorhat, though she was not the registered owner of the vehicle. It is also submitted that after the said order, the petitioner has not approached the learned trial court for reconsideration of the order giving interim custody of the vehicle to the respondent No. 3. The impugned order shows that at the time of passing the impugned order, the petitioner was not before the learned CJM. The learned CJM passed the impugned order purportedly under Section 451 of the Cr.P.C. giving interim custody of the vehicle to the respondent No. 3 and as such it was only an interim order and the learned trial Magistrate is empowered to modify the said order changing custody of the vehicle, if situation demands. Therefore, the petitioner can very well approach the learned CJM for modification of the impugned order, if so advised.

In view of the above, this petition is disposed of with a liberty to the petitioner to approach the learned CJM for seeking custody of the vehicle by filing an appropriate application. In the event of filing such an application, the learned CJM shall dispose of the same in accordance with law.

The petition is accordingly disposed of.

JUDGE

Comparing Assistant