

GAHC010191452024



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

Case No. : Crl.Pet./1128/2024

ABU SADEQUE ISHTIAQUE AHMED CHOUDHURY
S/O LATE ABDUL JALIL CHOUDHURY
R/O PATHARKANDI ROAD, VILL AND P.O. KANISHAIL, P.S. AND DIST.
KARIMGANJ, ASSAM

VERSUS

THE CENTRAL BUREAU OF INVESTIGATION AND ANR
ANTI-CORRUPTION BRANCH, GUWAHATI, OFFICE OF THE HEAD OF ZONE
(NE), 1ST FLOOR, OPPOSITE BALAJI TEMPLE, N.H. 37, P.O. GORCHUK,
GUWAHATI-781035

2:KRISHNA DEKA
S/O LATE RAJEN DEKA
R/O MADHUPUR
P.O. COLLEGE NAGAR

P.S. CHANGSARI
NEAR NORTH GUWAHATI. DIST. KAMRUP (M)
ASSA

Advocate for the Petitioner : MR H R A CHOUDHURY, MS. A LALA, MRS R BEGUM, MR P KATAKI, MR A AHMED, MR. I U CHOWDHURY, MR. A AHMED

Advocate for the Respondent : SPL. PP, C.B.I.,

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

21.01.2026

Heard Mr. P. Kataki, learned counsel for the petitioner. Also heard Ms. M. Kumari, learned Special Public Prosecutor, CBI.

By this application filed under Section 482 of the CrPC the petitioner Sri Abu Sadeque Ishtiaque Ahmed Choudhury has challenged the order dated 11.01.2024 passed by the learned District and Sessions Judge, Kamrup (M), Guwahati in Criminal Revision No. 68/2019 whereby the order dated 03.08.2019 passed by the learned Special Judicial Magistrate, Kamrup (M), Guwahati in C.R. Case No. 4210^C/2016 was put to challenge.

The petitioner filed two prayers before the learned Special Judicial Magistrate, Kamrup (M), Guwahati. The first one was to discharge the accused and the second one was defreeze the bank account of the petitioner, freezed by the investigating authority.

Initially, the bank account of the petitioner was freezed by the Paltan Bazar Police and later, the case was transferred to CBI. Records of the Paltan Bazar Police Station case is not available in the record. Moreover, the learned Special Judicial Magistrate, Kamrup (M), Guwahati also dismissed the prayer of the petitioner.

Mr. Kataki has submitted that there was no compliance of Section 102 of the CrPC in all the orders and this provision is mandatory in nature.

Ms. Kumari has objected on this prayer on certain grounds.

Before this court, there are no materials of the Paltan Bazar Police Station Case. Therefore, it will be difficult for this court to decide the matter. Hence, the matter is remanded to the trial court i.e. the court of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati to decide the matter as to whether Section 102 CrPC had complied or not at the time of freezing the bank account of the petitioner by the Paltan Bazar police.

The learned trial court shall give adequate opportunity to both the parties and shall proceed to dispose of the matter in accordance with law.

With the above, the criminal petition stands disposed of.

JUDGE

Comparing Assistant