

ORDER SHEET

Criminal Revision Case No.8/2020.

05/10/2020

Heard the learned P.P. for the State.

I have heard the learned counsel for the revisionist on 24/09/2020.

This revision is preferred, to set at naught the order dated 08/06/2020 passed by the learned S.D.J.M.(M), Dhakuakhana in connection with G.R. Case No.70/2020 corresponding to Dhakuakhana Police Station Case No.46/2020 under Sections 454/380 I.P.C.

The genesis of the case is that the informant, who occupies a Grade-II Judicial Quarter at Dhakuakhana detected through CCTV coverage, installed at the residence that the main door of his residence was opened by miscreant at about 8:46 AM. He then immediately informed Sri Narahnath Das to check his residence who found that the lock of the door had been cut by a hacksaw, which was also lying nearby. He also found articles like Mi CCTV camera, power adapter, JIO Fi portable, wi-fi router, power adapter, sim card with number 60037085510, a pressure cooker of 5 liters, one induction cooker, one yellow-blue coloured jacket, one black jacket, two buckets, one brown coloured raincoat, a pair of blue coloured trousers, a pair of pink coloured shorts, one green coloured cap and cash worth Rs.3,000/- of denomination of 500, were missing. The theft was committed by the miscreant Sri Hiren Saikia, who was

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also the Chowkidar of the Munsiff Office at Dhakuakhana to wreak vengeance, because he complained against him to the police regarding his cruelty to his wife. Sri Hiren Saikia has been absconding since then. He lodged an ejahar regarding this incident.

An F.I.R. was registered as Dhakuakhana Police Station Case No.46/2020. The investigation commenced and during investigation the vehicle of ALTO make bearing Registration No.AS07-D-6386 was seized in connection with this case.

It is submitted that Sri Najib Saikia is the owner of the vehicle.

Vide order dated 08/06/2020, the prayer for zimma of the vehicle was rejected by the learned Trial Court after considering the report of the I/O that the vehicle was required for investigation of this case.

I have perused the L.C.R.

This case is registered under Section 454/380 I.P.C. This case was registered on 24/02/2020.

It is submitted that the order was erroneously passed by the learned Trial Court because the learned Court did not peruse the case record and passed the order without considering facts and circumstances of the case.

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The forwarding report reveals that the accused committed theft with the help of the aforementioned vehicle.

The learned P.P. has raised no objection because the vehicle is lying in the open and this will damage the vehicle.

I have considered the L.C.R. and the submission of both the parties.

It is clear that the vehicle was seized on 27/02/2020. It can be assumed that the investigation has progressed considerably. It appears that the vehicle may not be required for further investigation. To protect the vehicle from being damaged, the revision petition is partly allowed. The impugned order is set aside. The learned Trial Court is directed to pass an order for zimma of the seized vehicle to its registered owner.

Sessions Judge,
Lakhimpur, North Lakhimpur.