

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE (F.T.C),
LAKHIMPUR, NORTH LAKHIMPUR.**

Criminal Revision No.5(4)/2021.

P R E S E N T

Syed Burhanur Rahman, A.J.S.,
Addl. Sessions Judge (F.T.C.),
Lakhimpur, North Lakhimpur.

P A R T I E S

Sri Jatin Saikia

..... Revision Petitioner.

-Vs-

State

.....Respondent.

A P P E A R A N C E

For the Revision Petitioner : Mr G. Dutta.

For the Opp. Party : Mr M.P. Hazarika.

Date of Argument : 28/02/2022.

Date of Judgment : 08/03/2022.

J U D G M E N T

- 1) This criminal revision petition is filed under Sections 399 and 397 of Cr.P.C. against the impugned order dated 18/09/2021 passed by learned Chief Judicial Magistrate, Lakhimpur, North Lakhimpur in G.R. Case No.23/2021 vide North Lakhmpur P.S. Case No.14/2021 under Sections 447, 427, 294, 506 of I.P.C. read with Section 27(1) of Arms Act, 1959. By way of the impugned order the learned Court below has rejected the zimma petition filed by the accused Sri Jatin Saikia regarding the 0.32 base pistol

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No.190211132 made by G.S.F., Indian Ordinance Factory and the accused claimed to be the owner of the licence bearing no.UIN 041201002332882019 issued by the learned District Magistrate, Lakhimpur, North Lakhimpur and valid upto 24/07/22.

- 2) In the instant revision petition the ground taken by the revision petitioner is that the learned Court below did not respond the engaged counsel's submission to call for the upto date report from the concerned investigating officer of the case and directly rejected the zimma petition filed by the revision petitioner/accused. Further it is stated that the said impugned order was passed on surmises and conjectures and it is also stated as the ground that the accused is actually a Branch Manager of Shriram Transport Finance Co. Ltd. and in the year 2012 because of a robbery one of his colleagues was killed. Petitioner has also got threatened from the various unknown person demanding money from him. Regarding that an F.I.R. is also lodged bearing North Lakhimpur P.S. 338/2017 dated 01/04/2017. Currently the petitioner is working as Regional Collection In-charge of Shriram Transport Finance Co. Ltd and his responsibility is of loan recovery functions of upper Assam region.
- 3) Learned A.P.P. has forcefully objected the submission made by the revision petitioner. Learned counsel has submitted that giving zimma to the revision

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petitioner/accused may lead to many more such incidents as he is a trigger happy person and may create law and order situation. This Court vide order dated 05/10/2021 called a report from the Office of the Hon'ble District Magistrate, Lakhimpur regarding the status of the said pistol as the concerned I.O. has prayed for cancellation of licence of the same.

- 4) Learned Additional District Magistrate, Lakhimpur, North Lakhimpur has communicated to this Court that he had sought the views and comments in connection with the cancellation/suspension of the arms licence vide Letter No.LGA.12/2019/51 dated 29/01/2022 from the Superintendent of Police, Lakhimpur, North Lakhimpur. However, no such views or comments were received by the Office of Superintendent of Police, Lakhimpur, North Lakhimpur. Accordingly, this Court has directed the Superintendent of Police, Lakhimpur, North Lakhimpur to furnish a report regarding the status of cancellation/suspension of the licence of the said pistol which is otherwise valid upto 24/07/22.
- 5) This Court has received a report from the Superintendent of Police, Lakhimpur, North Lakhimpur vide Memo No.DSB/NL/ARMS License/2022/237 dated 18/02/2022, wherein it is categorically prayed for the cancellation of the Arms Licence No. UIN 041201002332882019 issued against the present revision petitioner/accused Sri

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Jatin Saikia. In the said communication it is also mentioned that there is every possibility that in future the licence holder Sri Jatin Saikia may endanger the life and property of his neighbors if he is allowed to keep his licensed pistol in his possession and he is also likely to target complainant or her family members.

- 6) Although for the disposal of the instant revision petition there is no requirement of any fresh material/document but to satisfy the conscience of the Court, I have also perused the present status regarding the cancellation/suspension of the said pistol of the revision petitioner/accused.
- 7) Considering the matter in entirety and also after the perusal of the material available on record, this Court is of the considered view that there is no infirmity in the order passed by the learned Chief Judicial Magistrate, Lakhimpur, North Lakhimpur regarding the rejection of zimma petition filed by the present revision petitioner/accused. Accordingly, the instant revision petition is hereby **dismissed** as the same is devoid of any merit.
- 8) Disposed of.
- 9) Send back the learned trial Court record with a copy of the Court Judgment immediately.

Given under my Hand and Seal of this Court on this
the 8th day of March, 2022.

(Syed Burhanur Rahman)
Addl. Sessions Judge (F.T.C.),
Lakhimpur, North Lakhimpur.

Certified that the Judgment is typed
to my dictation and corrected by me
and each page bears my signature.

(Syed Burhanur Rahman)
Addl. Sessions Judge (F.T.C.),
Lakhimpur, North Lakhimpur.

Transcribed & Typed by me:

Sri Montu Kherkatary, Stenographer.