

**Present:- Sri N. J. Haque, CJM, Sonitpur,
Tezpur**

Tezpur PS Case No-1722 of 2021

GR Case No-2770 of 2021

U/S-379 of IPC

ORDER

23.08.2021

Case record put up today before me.

Accused persons, namely, Md. Ainul Ali aged about 25 years and Md. Anarul Islam aged about 24 years apprehended and produced before this court in connection with this instant case registered under section-379 of IPC.

Seen the Forwarding Report, Memo of Arrest, Inspection Memo, Notice u/s-50 of CrPC, Medical Report, Check List and Case Diary.

On perusal of the entire case record, it disclosed that the accused persons are produced today on being arrested on 22.08.2021 at 11 PM and thereafter, they were duly undergone COVID-19 test at Kanaklata Civil Hospital, Tezpur where they tested negative.

The I/O had complied the guidelines of Hon'ble Apex Court given in the case of **State of Bihar v/s Arnesh Kumar**. The I.O further submitted the check list in accordance with law on complying the provision of section-41(A) of CrPC.

Accused persons are not represented by their Ld. Counsel and on being asked they have informed that their family members are going to engage advocate for their defence and accordingly, they declined to receive any assistance from this court.

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Now, in respect of considering the prayer of sending the accused persons in judicial custody, the court has perused the entire case record carefully. It disclosed from the forwarding report of the I/O that the arrested accused persons have shown the place i.e. Rupahihat where the stolen articles has been kept. Later, the accused persons informed that the stolen articles have been shifted to the house of Intekhab Alam situated Samragudam Aminpatti Nagaon. Therefore, with the help of Nagaon Police we have recovered the stolen articles.

Therefore, considering all the aspect and as the accused persons are appears to be involved with the alleged offenses, the court finds that at this stage release of both the accused persons may give chances of repetition of the same offences. Morealso, in the event of their release may hamper and temper the investigation of the I/O. Hence, on being satisfied with all the aspect, this court finds that judicial custody of both the accused persons at the instance of 14 days required for the sake of proper investigation of the I/O. Hence, both the accused persons are remanded to **judicial custody till next date i.e. 26.08.2021.**

The Superintendent of Central Jail, Sonitpur, Tezpur is hereby directed to keep the accused separately in an isolation ward from the other jail inmates for a considerable period and further the accused person is directed to be Scanned through thermal scanner before admitting him inside the jail.

The Superintendent of Central Jail, Sonitpur, Tezpur is directed to comply with the aforesaid

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guideline for prevention of COVID-19 pandemic inside the jail premises.

Also seen the prayer of the I/O for perusal of seizure list along with the photographs of mustard oil i.e. 1 ltr x 12 pcs= 1 cartoon x 200, (ii) 500 mls x 24 pcks- 1 cartoon x 500 and (iii) 200 ml= 1 cartoon x 100. However, the said articles are not physically produced before this court by the I.O. Accordingly, only seizure list excluding seized articles in connection with seizure list marked as MR No-331/21. The prayer of the I/O considered and allowed and seizure list along with photographs of seized articles.

Let furnish photostat copy of seizure list to the I.O, keeping the original seizure list with the case record.

Return back the case diary.

Seen the petition bearing No. 530/2021 filed by the petitioner, named, M/s Jaiswal Trading represented by its sole proprietor Siyaram Chowdhury praying for zimma of one Liter x 12 pcs=1 cartoon x 200; 500 ML x 24 pcs=1 cartoon x 500 and 200 ml = 1 cartoon x 100 in total 800 cartoons which was seized in connection with this case.

Heard both sides and perused the report carefully.

Considering the nature of petition, this Court thinks it deem fit and proper to call for a police report to arrive at a proper conclusion of prayer filed by the petitioner.

The I/O is directed to submit a report of ownership of the aforesaid seized articles and whether the same is required for further investigation or not in this case.

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Let a copy of this order along with the petition be transmitted to the I.O concerned.

Inform all the concerned.

Fixing 26.08.2021 for report of ownership.

Sri N. J. Haque
Chief Judicial Magistrate
Sonitpur, Tezpur