

Tezpur PS Case No-474 of 2021
GR Case No-758 of 2021
U/S-394 of IPC

ORDER

18.01.2022

Ld. Advocate of the petitioner filed hazira.

Report as called earlier vide Order dated-03.01.2022 in respect of the clarification of seized motor cycle through DTO, Sonitpur received today from the I/O concerned.

Heard both sides and perused the report carefully.

On perusal of the report submitted by the I/O SI Diganta Saikia of In-charge of Bebejia Police Outpost under Tezpur PS on 03.01.2022, it disclosed that on 04.03.2021 during investigation one motor cycle bearing Regd. No-AS-12/V-1827, chassis No-MD2A11CYXKRB19744 and engine No-DHYRKB51529 (MR No-53/21) was seized in connection with this case. However, on 27.12.2021 petitioner Mainul Hoque by filing petition No-992/21 claiming himself to be the registered owner of Pulsar motor cycle bearing Regd. No-AS-12/Y-5366, Chassis No-MD2A11CYXKRB19744 and Engine No-DHYRKB51529. It also disclosed from the report of I/O that as per registration certificate of the motor cycle, it has come to light that the said motor cycle bearing Regd. No-AS-12/Y-5366, Chassis No-MD2A11CYXKRB19744 and Engine No-DHYRKB51529 is in the name of the petitioner Mainul Hoque. However, on perusal of the case record, no such motor cycle as claimed by the petitioner was seized and consequently, a report of clarification of seized motor cycle against the Chassis No-MD2A11CYXKRB19744 and Engine No-DHYRKB51529 was called for through DTO, Sonitpur at Tezpur and today the report of clarification from DTO, Tezpur was received. Accordingly, from the report of DTO, it disclosed that the aforesaid chassis and engine number found against the motor cycle bearing Regd. No-

18.01.2022

AS-12/Y-5366 as claimed by the petitioner in his petition bearing No-992/2021 not against the motor cycle bearing Regd. No-AS-12/Y-5366. The report of D.T.O. makes it crystal clear that petitioner named Md. Mainul Hoque is the owner of said motor cycle bearing Regd. No-AS-12/Y-5366, Chassis No-MD2A11CYXKRB19744 and Engine No-DHYRKB51529 and the motor cycle is not required for further investigation of this case. In this regard, the I/O has submitted a report of "Vehicle Particulars (For Internal Use) of State Transport Department, Sonitpur issued by its registering authority and the registration certificate of the motor cycle bearing Regd. No-AS-12/Y-5366, Chassis No-MD2A11CYXKRB19744 and Engine No-DHYRKB51529.

Hence, for the interest of justice this court needs to pass an order of zimma of the seized motor cycle bearing Regd. No-AS-12/Y-5366, Chassis No-MD2A11CYXKRB19744 and Engine No-DHYRKB51529 asking the investigating officer to hand over the seized motor cycle to the petitioner on execution of a bond for an amount which is equal to the present market value of the motor cycle (Only after preparing detailed "Panchnama") along with one surety of like amount to the satisfaction of the I/O on condition that:-

- (i) The petitioner shall produce the aforesaid motor cycle bearing Regd. No-AS-12/Y-5366, Chassis No-MD2A11CYXKRB19744 and Engine No-DHYRKB51529 before the I/O or Court as and when directed;
- (ii) No unlawful use of the same in question shall be made and no alteration in the same shall be made except making necessary repair.

The petitioner shall further co-operate with the I/O till the I/O concludes the investigation of this case and also the petitioner shall not sale the same until disposal of the case.

18.01.2022

Accordingly, the interim zimma prayer filed by the petitioner named, **Md. Mainul Hoque** stands disposed of.

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