

GAHC010052672024



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

Case No. : Crl.Pet./279/2024

MD. SIDDIK ALI
S/O ABDIN PARAMANIK
R/O VILL- BAGARIGURI PATHAR,
P.O. CHUKRUNGBARI,
P.S. SORBHOG,
DIST. BARPETA, ASSAM, PIN NO.781317

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:PARISMITA NEOG
AFS
FOREST RANGE OFFICER
LEKHAPANI RANGE

DIGBOI FOREST DIVISION

DIST. TINSUKIA
ASSAM
PIN- 78618

Advocate for the Petitioner : MR. A U CHOUDHURY

Advocate for the Respondent : PP, ASSAM

Linked Case : Crl.Pet./1373/2023

ASHRAFUL ISLAM
S/O SHER ALI
R/O SUPERIVITA JALESWAR

P.O. TULSHIBARI
P.S. LAKHIPUR
DIST. GOALPARA
ASSAM
PIN CODE- 783132

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP
ASSAM

2:PARISHMITA NEOG

AFS
FOREST RANGE OFFICER

LEKHAPANI RANGE

DIST. TINSUKIA
ASSAM

Advocate for : MR S RAHMAN
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

Linked Case : Crl.Pet./108/2024

SANJAY KUMAR
S/O PRASADI YADAV
R/O VILL- PIPRAHI
WARD NO. 04

BHONDO
P.O. DHASTHAM
P.S. CHANDWARA
DIST. KODARMA
JHARKHAND
PIN CODE- 825409

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP
ASSAM

2:PARISHMITA NEOG

AFS
FOREST RANGE OFFICER

LEKHAPANI RANGE
DIGBOI FOREST DIVISION
DIST. TINSUKIA
ASSAM
PIN CODE-786182.

Advocate for : MR S RAHMAN
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 20.06.2024

Heard Mr. S. Islam, learned counsel appearing for the petitioner in Crl. Pet./279/2024, Mr. S. Rahman, learned counsel appearing for the petitioners in Crl. Pet/1373/2023 and Crl. Pet./108/2024. Also heard Mr. D. Gogoi, the learned Standing Counsel for the Forest Department and Mr. B. Sarma, the learned Additional Public Prosecutor for the State of Assam.

2. This is a common order for these three petitions.
3. These criminal petitions are filed u/s 482 of the Cr.P.C. challenging the orders passed by the Sub- Divisional Judicial Magistrate (M), Margherita, who refused to give custody to some vehicles, which were seized in connection with a forest offence.
4. Mr. Gogoi has relied upon two decisions of this Court reported in **2022 SCC Online Gau 1002 (Md. Offijol Hoque Vs. State of Assam)** and the order dated 02.04.2024 passed in Crl. Pet./900/2023 (**State of Assam & Anr. Vs. Dangman Jugli**).

5. This Court has already held that once the confiscation proceeding starts, the Court cannot give custody of the seized vehicles to the petitioners.

6. Mr. Gogoi further submits that confiscation proceeding has already started and the petitioners should approach the authorized officer of the concerned forest department.

7. I have considered the submissions made by the learned counsels of both sides.

8. Under the given circumstances, the three petitions are found to be devoid of merit and stands closed and disposed of.

9. The petitioners shall approach the authorized officer for seeking relief and the authorized officer shall consider the case of the petitioners in accordance with the procedures as laid down by law.

JUDGE

Comparing Assistant