

GAHC010021642017



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

Case No. : CrI.Rev.P. 140/2017

1:RAJ KUMAR SINGH
S/O SRI HETRM SINGH R/O HENGERBARI, GANESHGURI P.S. DISPUR,
GUWAHATI- 781006 DIST. KAMRUP M, ASSAM

VERSUS

1:THE STATE OF ASSAM and ANR.

2:SMT. ASHAMAYEE DAS
INSPECTOR OF TAXES
UNIT -C
KAR BHAWAN
GUWHATI - 781006.

3:Sudhir Jalan
S/O Lt Gauri Shankar Jalan
R/O 78
SRCB Road
Fancy Bazar
Guwahati-781001
Kamrup(M)
Assam

4:Sumit Jalan
S/O Lt Gauri Shankar Jalan
R/O 78
SRCB Road
Fancy Bazar
Guwahati-781001
Kamrup(M)
Assa

Advocate for the Petitioner : MS.R DEVI
Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE RUMI KUMARI PHUKAN**

ORDER

Date : 06-11-2019

Heard the learned counsel for both the sides.

Respondent Nos, 2, 3 and 4 have filed their affidavits separately and in addition to that, respondent Nos.3 and 4 have filed their additional affidavit contending that the auction of 800 bags of the seized article (Chikini Supari) has completed in the execution of the civil case pertaining to Execution Case No. 6/2018, while execution of the decree pertaining to the Civil Case No. 40/2017.

It transpires that the said supari was seized in connection with Dispur PS Case No. 1494/2016. In his report in the earlier occasion, the Investigating Officer has submitted that although auction process was initiated, but it was stayed by virtue of the stay order of this Court in connection with the present criminal revision petition.

The matter appears to be conflicting.

As both the petitioner as well as the respondent Nos. 3 and 4 were the parties to the Title Suit, it was incumbent on their part to apprise the Civil Court regarding the pendency of Dispur PS Case No. 1494/2016 and about the order passed in this case. It is also noticeable that without intimation to the Investigating Officer, the auction of the said supari cannot be executed.

In view of all above, petitioner is hereby directed to submit the additional affidavit clearing their status in response to the additional affidavit filed by the respondent Nos. 3 and 4.

Learned Additional Public Prosecutor is also directed to submit the status report as regards Dispur PS Case No. 1494/2016, regarding the seized article, positively without fail on the next date.

List on 25.11.2019.

JUDGE

Comparing Assistant