

GAHC010023562026



2026:GAU-AS:10936

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

Case No. : Crl.Rev.P./68/2026

NUR MOHAMMOD SARKAR
S/O LATE ABDUL MOZID, R/O- VILL- NAYER ALGA PART-II,P.O.- NAYER
ALGA,P.S.- BILASIPARA,DIST- DHUBRI, ASSAM,PIN- 783348.

VERSUS

GOLERA KHATUN AND 5 ORS.
D/O- LATE KHALLUR RAHMAN PRAMANIK,R/O- ANUPAM NAGAR ROSE
LANE, H/NO-23, GHY-38,P.O. P.S.- HATIGAON,DISTRICT- KAMRUP (M),
ASSAM,PIN- 781038.
M/NO. 6026292852/7577851091

Advocate for the Petitioner : MR. M A SHEIKH, MS S A KHALIFA,MR. W A SHEIKH,MS F
INTAZ

Advocate for the Respondent : MR. S A AHMED (R-1), MD. B ISLAM (R-1)

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

06.08.2026

Heard Mr. M. A. Sheikh, learned counsel for the petitioner. Also heard Mr. S.
A. Ahmed, learned counsel for the respondent No. 1.

In this petition, under Section 442, read with Section 438 of the BNSS,

2023, the petitioner has challenged the Order, dated 04.11.2025, passed by the learned Judicial Magistrate First Class, Kamrup (M), Guwahati, in C.R. Case No. 484/2024.

It is to be noted here that vide impugned order dated 04.11.2025, the learned Trial Court has rejected the prayer of the petitioner to issue Search Warrant for recovery of one car and some Law books, which are presently in custody of the respondents herein.

During the course of hearing, when Mr. M. A. Sheikh, learned counsel for the petitioner was asked as to whether the petitioner has filed any 'List of Articles', for recovery of which, Search Warrant was prayed for, Mr. Sheikh submits that no such list has been furnished along with the complaint petition.

In that view of the matter, this Court is inclined to dispose of this petition, by directing the petitioner herein to file an application before the learned Trial Court, in C.R. Case No. 484/2024, by enclosing the 'List of Articles', which are required to be recovered by issuing Search Warrant and on such application being filed, the learned Trial Court shall consider the same in accordance with law, under Section 96 of the BNS, 2023.

To the extent indicated above, the impugned order dated 04.11.2025, so far its relation to the search warrant is concerned, stands interfered with.

In terms of the above, this Criminal Revision Petition stands disposed of.

JUDGE

Comparing Assistant