

GAHC010153132025



2025:GAU-AS:13201

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

Case No. : Crl.Pet./840/2025

M/S CARELY SOLUTIONS PVT. LTD
A PRIVATE LIMITED COMPANY HAVING ITS OFFICE AT HOUSE NO.3A,
HATIGARH CHARIALI, ZOO ROAD, KAMRUP, GUWAHATI-24, ASSAM.
REPRESENTED BY ITS DIRECTOR, SRI RISHIRAJ GOGOI,
S/O- SRI PRAFULLA GOGOI.
R/O- NEW LANDMARK APARTMENT, ZOO ROAD, SUNDARPUR, P.S.-
DISPUR, DIST.- KAMRUP(M)

VERSUS

CENTRAL BUREAU OF INVESTIGATION
REPRESENTED BY THE SPECIAL PP, ASSAM

Advocate for the Petitioner : MR S BORTHAKUR, P KHATANAR,MR G BOKALIAL

Advocate for the Respondent : SPL.PP, CBI,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

24.09.2025

Heard Mr. S. Borthakur, learned counsel for the petitioner and Ms. M. Kumari,

learned Standing Counsel for the CBI.

This is an application filed under Section 528 of BNSS, 2023 read with Article 227 of the Constitution of India for setting aside and quashing of the impugned order dated 08.07.2025 passed by the learned Special Judge, CBI, Assam by which the custody application preferred by the petitioner on 24.04.2025 in Special Case No. 5/2025 in respect of two (2) vehicles i.e., Porsche Cayenne as well as Kia Carnival was rejected by the said Trial Court. The petitioner by this application has sought for zimma of the said two (2) vehicles during the trial.

Mr. S. Borthakur, learned counsel for the petitioner submits that the said two (2) vehicles were seized in connection with RC No.0172024E0006 dated 20.10.2024. He submits that the said vehicles were purchased by the petitioner namely M/S Carely Solutions Pvt. Ltd. from the erstwhile owner i.e., Gaurav Singh Gill and M/S Kanhaya Autocorp Private Limited respectively. He has also placed the No Objection Certificates issued by the Transport Department of Ludhiana & Jharkhand in respect of the Porsche Cayenne vehicle as well as the Kia Carnival vehicle by annexing the documents as Annexure – 5 Series in the said petition.

It is noticed in the said annexures that the vehicle namely, Porsche Cayenne was sold to M/S Carely Solutions Pvt. Ltd i.e., the petitioner by reflecting the said name as transferee. It is also reflected in the said documents the reasons for the

No Objection Certificate that the said vehicle was sold in other registering authority and the RTO was also reflected as Kamrup to which the vehicle was purported sold to the registering authority. In respect of the other vehicle i.e., Kia Carnival, Mr. Borthakur has placed the documents at page No. 38 wherein No Objection Certificate was issued by the State Transport Department, Dhanbad and the reason for the same was shown as change of residence to other registering authority and the RTO was also stated to be Kamrup.

The learned counsel also showed the documents by which it is reflected that the Porsche Cayenne having the concerned registration and chassis number was said to have been purchased from the original registered owner Sh. Gaurav Singh Gill by Mr. Rishiraj Gogoi and Mr. Joy Modak, Directors of Carely Solutions Private Limited on 27.07.2024. The other vehicle i.e., Kia Carnival was also stated to have been purchased by the said Mr. Rishiraj Gogoi and Mr. Joy Modak, Directors of Carely Solutions Private Limited from the registered owner i.e., M/S Kanhaya Autocorp Private Limited on 27.07.2024.

Mr. Borthakur has also placed the statements made by the respondent authorities in its affidavit more specifically in paragraph No. 7 of the same where it is stated that the petitioner Rishiraj Gogoi had purchased both the vehicles from Carlz, Delhi owned by Himanshu Arora and that the possession of both the vehicles were handed over by the dealer on 27.07.2024. However, it is also stated in the

said paragraph under reply that the vehicles although was purchased but the same were still in the name of the previous owners namely M/S Kanhaya Autocorp Pvt. Ltd and Gaurav Singh Gill respectively. It is also stipulated in the said paragraph that ownership in the name of Carely Solutions Private Limited i.e., the petitioner is yet to be transferred. However, it is not denied that purchase has not taken place.

Ms. M. Kumari, learned Standing Counsel for the CBI vehemently argues that the ownership of the said vehicle are not established by the petitioner concerned and that the purchase made by the petitioners are also not established according to the learned Standing Counsel for the CBI. She has also placed the impugned order dated 11.03.2025 by which the zimma of the vehicles were rejected by the Trial Court.

It is no res integra that the vehicles after they are seized in connection with police cases are not to be kept in the police station or at any place for long as the same would lead to destruction of the same with time. In *Sunderbhai Ambalal Desai and Ors. vs. State of Gujarat*, reported in (2002) 10 SCC 283, the Hon'ble Supreme Court had stated that there is no use in keeping the vehicles in the police station or other articles in police malkhana for long and that the same has to be given either to the owner or the person from whom it is seized or to the Insurance Company and only in absence of the said authorities, it is held that the said vehicles may be auctioned in the interest of justice. It is also held in the said case

that before handing over the vehicles in custody, proper panchnama has to be entered into, photograph has to be taken and a proper bond has to be entertained. It is also held that direction has to be taken that the said vehicles would be produced before the authorities concerned as and when required.

In view of the same, this Court finds it fit that the vehicles may be given to the owner of the same within a period of 15 days from today and since it is noticed that the vehicles have not been transferred to the petitioner, who has claimed to have purchased the same from the original owner, the authorities in the Central Bureau of Investigation may consider taking further evidence while handing over the vehicles to the petitioner. It is needless to say that the concerned Investigating Officer will take proper bond, proper photograph and other required necessities before handing over the vehicles to the petitioner.

Petition is disposed of.

JUDGE

Comparing Assistant