

Court No. - 91

Case :- APPLICATION U/S 482 No. - 37422 of 2023

Applicant :- Ajay Kumar Kedia

Opposite Party :- State of U.P.

Counsel for Applicant :- Yash Padia

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

1. Heard learned counsel for the applicant and learned AGA for the State.

2. The present application u/s 482 Cr.P.C. has been filed by the applicant with the prayer to quash the impugned order dated 04.04.2023 as well as the entire proceeding of Case Crime No.477 of 2017, under Sections 392, 411 IPC, Police Station Kasna, District Gautam Buddh Nagar.

3. Learned counsel for the applicant submits that the applicant is the owner of the vehicle bearing No.DL 4CBA 2639 regarding which, an F.I.R. was lodged under Sections 392, 411 IPC. Further submission is that the vehicle was seized during the course of investigation. Further submission is that an application was moved by the applicant before the A.C.J.M., Gautam Buddh Nagar for release of the vehicle but the same has been dismissed in a mechanical way without assigning any reason for the dismissal of the application, which is in the teeth of the Apex Court judgement in the cases of *Sunderbhai Ambalal Desai vs State Of Gujarat (2002) 10 SCC 290* and *M.C. Mehta Vs. Union of India, (2015) 4 SCC 269*. Further submission is that the registration of the vehicle is old more than nine years, in case, it is not released, it will be treated as a scraped under the dictum of the National Green

Tribunal, Principal Bench, New Delhi in Original Application No.21 of 2014.

4. On the other hand, learned AGA has opposed the prayer but could not dispute the aforesaid facts.

5. Keeping in view the contention and submission made by the learned counsel for the parties and from the perusal of the record and the impugned order, it is apparent that the order has been passed in a mechanical way without application of mind or assigning the reason and against the principles of law, which is not sustainable in the eye of law and the impugned order is set aside with the direction to the court concerned should hear and decide the matter within a period of one month in accordance with law laid down by the Hon'ble Apex Court and national green tribunal afresh.

6. In view of the such facts, the impugned order dated 04.04.2023 is here by set aside.

7. Accordingly, the instant application stands **disposed off**.

Order Date :- 3.11.2023
Sanjeet