

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10615 of 2013

Arising Out of PS.Case No. -10 Year- 2011 Thana -DORIGANJ District- -

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1. Chinmay Banerjee. Son of Dayamay Banerjee, resident of Village and P.O. 179 Sijua, P.S. Jogta, Distt. Dhanbad

.... Petitioner.

Versus

1. The State Of Bihar
2. Priyaranjan Singh, Son of Nagendra Kumar Singh, resident of Bichla Telpa, P.O.+ P.S. Nagar, District Saran

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr.
For the State : Mr. Anish Chandra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

4 14-05-2015 Heard learned counsel for the petitioner and learned counsel for the State.

This is a petition for quashing the order passed by the Chief Judicial Magistrate, Saran, in Doriganj P.S. Case No. 10 of 2011.

Learned counsel for the petitioner submits that petitioner has filed a petition before the Chief Judicial Magistrate for release of the vehicle on the basis of Annexure-3 which certificate issued by the District Transport Officer, Hazaribagh showing the vehicle in his name. However, the Chief Judicial Magistrate has called for a clarified report which is not permissible in law when report is already in existence.



In the subsequent report of the District Transport Officer, Hazaribagh dated 30.08.2012, it has been mentioned that ownership of the vehicle has been cancelled with a direction to deposit the registration book in the office. It is further submitted that petitioner has challenged the order of District Transport Officer, dated 30.08.2012 before Jharkhand High Court in W.P.(C) No. 5905 of 2012. It has further been submitted that vehicle has been seized in a case registered bearing Doriganj P.S. Case No. 10 of 2011. Hence it is submitted that neither the case has been disposed off nor the vehicle has been released.

Learned counsel for the opposite party no. 2 however submits that both the parties have entered into compromise and a compromise petition has already been filed in the court below.

Learned counsel for the petitioner however refutes the above submission and submits that he has no instruction regarding filing of the compromise petition.

Having regard to the fact so far release of the vehicle is concerned, the vehicle is required to be released in favour of a person against whom vehicle is registered. However, registration of the vehicle in the name of the petitioner has been cancelled by the District Transport Officer, by order dated 30.08.2012. The petitioner has challenged the order dated 30.08.2012 of District

Transport Officer before Jharkhand High Court. However when the matter is pending regarding registration of vehicle, it is not proper to order for release of the vehicle.

Having regard to the fact when the petitioner has challenged the order dated 30.08.2012 before Jharkhand High Court, the vehicle may be released in favour of the petitioner, if the petitioner secured in writ and order passed to issue registration in the name of the petitioner. However the trial is pending out of which the vehicle seized. Hence it is hereby ordered that the trial of Doriganj P.S. Case No. 10 of 2011 be expedite for early disposal preferably within six months.

With the above observation, this petition is disposed of.

m.p.

(Gopal Prasad, J)

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