

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1093 of 2014

Naki Emam Khan S/o Mohd. Mustaq Khan Aged About 37 Years
Occupation Proprietor Scrape Shop R/O Mominpara Thana & Tahsil -
Ambikapur, Civil & Revenue Distt. Surguja C.G.

---- Petitioner

Versus

State Of Chhattisgarh Through The District Magistrate, Raigarh Distt.
Raigarh C.G.

For Petitioner – Shri Sunil Sahu, Advocate.
For Respondent/State- Miss. Farah Minhaj, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

4/09/2015

1. This petition is against the order dated 14th November, 2014 passed in Criminal Revision No. 202200001452014 whereby the revisional court affirmed the order dated 29/10/2014 passed in Istgasha No. 05/2014 under Section 379 of IPC read with Section 41 (1-4) of Cr.P.C. By such application claim for possession of the goods were denied.

2. Learned counsel for the petitioner submits that certain goods were seized which belong to the petitioner as he is in business of scrap dealing. Consequently, parts may be handed over to him, which was dismissed by the trial court. Perusal of the order shows that rejection was primarily on the ground that no relevant documents were placed with respect to the ownership of the properties. Perusal of the documents stated in affidavits filed by Ganesh Soni, Jahangir, Hasnain Khan, Surendra Soni, Sushil Kumar Soni and Vijay Soni would reflect that they have stated that they

have sold the properties to petitioner who deals in business of scrap. Perusal of the affidavit would further show that all the sellers who claimed that properties were sold described the properties as old tin shed, broken cycle parts, old iron parts were sold. Here in this case the seizure of goods are of motorcycle parts which is other than properties which were said to be sold to the petitioner. Consequently, order passed by both the court below cannot be faulted with as the petitioner has failed to place on record any document showing motorcycle parts which were seized belong to him.

3. Therefore, petition has no merit and accordingly it is dismissed. However, liberty is given to the petitioner to file an application if ownership documents are placed on record and the trial court will be at its discretion to pass suitable orders after consideration of the same.

Sd/-
(Goutam Bhaduri)
JUDGE