

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.502 of 2015

Deepak Rai, S/o Nand Kumar Rai, aged 22 years, R/o Baradwar, P.S. Baradwar, Tahsil Sakti, Sub Tahsil-Baradwar, District Janjgir-Champa (CG)

---- Applicant

Versus

State Of Chhattisgarh through SHO, P.S. Baradwar, District Janjgir-Champa (CG)

---- Respondent

For Applicant	:	Shri V. C. Ottalwar, Advocate
For Respondent/State	:	Smt. Shubha Shrivastava, Panel Lawyer

Order On Board

02/07/2015

The applicant is apprehending his arrest in connection with Crime No.153/2015 registered at Police Station Baradwar, District Janjgir-Champa for alleged commission of offence under Section 407, 411 of IPC.

2. Case of the prosecution is that the manufactured iron products while in the course of transportation were diverted by the co-accused-Satnam to the shop of the applicant. The other accused-Satnam was caught along with material in the shop of the applicant and the applicant run away from the spot.

3. Learned Counsel for the applicant submits that no case of commission of offence under Section 407, 411 of IPC is made out because no seizure has been made from the possession of the applicant. He submits that no offence under Section 407 & 411 of IPC is made out because he was not apprehended nor there is any recovery made from his possession.

4. On the other hand, learned State counsel submits that the entire quantity of iron was found in the shop of the applicant, wherefrom seizure was made and in the statement of seizure witnesses, reveals that the

applicant was present at the spot and thereafter, he run away from the spot.

5. Considering the aforesaid submission and that the material was seized from the shop of the applicant, the application is rejected.

Sd/-

Manindra Mohan Shrivastava
Judge

Tumane