

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 583 of 2015

1. Mangluram, S/o. Shri Ghasiram Sahu, Aged About 43 Years, R/o Village & Post Matiya, Thana Gidhour, Civil and Rev. Distt. Baloda Bazar Bhatapara Chhattisgarh.

---- **Petitioner**

Versus

1. State of Chhattisgarh, Through The District Magistrate, Balodabazar Bhatapara, Distt. Baloda Bazar -Bhatapara, Chhattisgarh.

---- **Respondent**

For Petitioner	:	Mr. Sunil Sahu, Advocate
For Respondent/State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/09/2015

1. This petition is against the order dated 27/05/2015, passed by the Third Additional Sessions Judge, Balodabazar, in Criminal Revision No.H-34/2015, whereby the order passed by the Judicial Magistrate First Class, Kasdol dated 17.04.2015, in Criminal Case No.S-34/2015, has been affirmed.
2. Brief facts of the case is that a case was registered under Section 1+4/379 of I.P.C. after seizure of paddy of 187 bags. It is contended that the petitioner has purchased the said paddy of 187 bags from Prathmik Krishi Sakh Sahakari Samiti, Katgi and despite the fact that the petitioner is holding the valid documents of purchase of paddy, the same is withheld and on application being filed to get the possession of the same, it was dismissed.
3. Learned counsel for the petitioner submits that no purpose would be served if the paddy is kept in the police custody and in open as it will

be destroyed completely. Therefore, the petitioner being the owner of the same, the same may be handed over as the goods are in perishable in nature.

4. The State counsel submits that according to the case diary, the goods was purchased from Prathmik Krishi Sakh Sahakari Samiti, Katgi and on the memorandum of the driver the seizure was made on 02.04.2015.
5. I have heard the learned counsel for the parties and perused the documents on record.
6. Perusal of the order shows that refusal was on the ground that since the matter is being investigated by the Kashdol Police, therefore, the custody can not be given.
7. Having perused the order of the Court below in the opinion of this Court, since at this point this fact is not disputed by State that the petitioner has purchased the paddy of 180 bags from Prathmik Krishi Sakh Sahakari Samiti, Katgi, therefore, taking into the fact, the nature of the goods, which are perishable in nature, no purpose would be served to keep the same in the police custody as it is in perishable in nature. Therefore, considering the fact of this case, the petition is allowed. It is directed that the property in question i.e. 187 bags of paddy be handed over to the petitioner on supurdnama on furnishing surety of Rs.50,000/- before the Trial Court of its satisfaction.
8. With such direction, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge