

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 785 of 2015

- Raghvendra Parihar S/o Harinandan Singh, Aged About 44 Years R/o Village- Jogipur - Patharra, Post- Marka, Tahsil- Kawardha, Civil And Revnue District- Kabirdham, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through District Magistrate Kabirdham, District- Kabirdham, Chhattisgarh
2. Sanjay Shukla S/o M. P. Shukla, Aged About 34 Years R/o Deendayal Nagar, Raipur, District- Raipur, Chhattisgarh
3. Brijesh Nayak S/o Bhagwati Nayak, Aged About 38 Years R/o Village- Bhathagaon, Raipur, District- Raipur, Chhattisgarh
4. Sunil Pandey S/o Bharat Prasad, Aged About 31 Years R/o Gandai, Rajnandgaon, District- Rajnandgaon, Chhattisgarh

---- Respondents

For Petitioners : Shri Praveen Dhurandhar, Advocate
For Respondent/State : Ms. M. Asha, PL

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

03/09/2015

1. Heard.
2. The petition is against the order dated 05/08/2015. The issue pertains to custody of JCB vehicle. Initially the order was passed by the Judicial Magistrate First Class on 20/07/2015. Perusal of the order passed by the Judicial Magistrate First Class shows that a reference of an order passed in CrMP No. 504/2015 in between Brijesh Nayak Vs. Raghvendra Parihar is made, wherein stay has been granted. Perusal of the order dated 20/07/2015 shows that order on application of Supurdnama has not been passed on merits and since the proceedings have been stayed by this Court

in CrMP, consequently no orders have been passed. The said order having been challenged before the revisional Court, the revisional Court also affirm the order and did not pass any order on merits and on Supurdnama. Perusal of the order therefore shows that the orders have not been passed on merits and the petitioner if at all aggrieved by the order in CrMP wherein the same issue is under adjudication touching custody of vehicle, the petitioner can intervene. It is submitted at the bar that in the said CrMP an application has been filed for vacating stay.

3. In view of the above fact, there is no order on merits in the instant impugned order. A CrMP is already pending in respect of same subject matter wherein the petitioner has already filed an application for stay. In view of the facts of the case, I do not find it is a fit case to invoke the jurisdiction under Section 482 of CrPC at this stage. The petition being devoid of merits it is dismissed.

Sd/-
(Goutam Bhaduri)
Judge