

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 695 of 2015**

Deepak Agrawal, S/o. Mahabir Prasad Agrawal, Aged About 24 Years, R/o. Ambikapur Road Pathalgaon, Post, Police Station & Tahsil - Pathalgaon, Civil & Revenue District Jashpur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through Station House Officer, Kapu, Revenue & Civil District Raigarh, Chhattisgarh.
2. State Of Chhattisgarh, Through District Magistrate Raigarh, Civil & Revenue District Raigarh, Chhattisgarh.
3. Mines Officer Raigarh, Civil & Revenue District Raigarh, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Surfaraj Khan, Advocate
For Respondent/State	:	Ms. M.Asha, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****06/10/2015**

1. This petition is against the order dated 05.06.2015 passed by the learned Additional Sessions Judge (F.T.C.) Raigarh in Criminal Revision No.21/2015 whereby the petitioner has been denied the custody of quartz stones.
2. Learned counsel for the petitioner submits that initially the Truck which was carrying the quartz stone was seized by the police and thereafter it was handed over to the Mining Department of the State. It is further submitted that the Collector by an order dated 15.10.2014 had directed the Station House Officer, Patthalgaon, District Jashpur to release the quartz stone as well as Truck and thereafter the Truck was released as the owner of the Truck was another person Mahaveer Agrawal and he was granted the custody of the Truck by an order of the co-ordinate Bench of this Court. Learned counsel further submits that till date, no case is registered against the petitioner and

even the crime number is also not been mentioned. He further submits that without any rhyme and reason, the quartz stone are being kept with the Police Station Kapu though the Collector had ordered for release of such quartz stone earlier by an order dated 15.10.2014. Therefore, he submits that the interim custody of the quartz stone may be handed over to the petitioner as no purpose would be served keeping the same in the Police Station.

3. Perusal of the reply filed by the State do not show that any case has been registered against the petitioner. The reply is completely vague. The State counsel is also unable to support the fact that whether any case is registered or not and the case diary, if any, has also not been placed on record despite the directions.
4. Considering the fact and taking into the document and the order of the Collector (Annexure P-4) wherein a direction was made to release the quartz stone to the petitioner, it is directed that the quartz stone, which is kept in the custody of the Police Station Kapu, shall be released on supurdnama in favour of the petitioner on furnishing surety of Rs.25,000/- before the Court of J.M.F.C. having jurisdiction.
5. The petitioner shall not change the nature of goods so released and shall cooperate in the investigation, if any, further is required.
6. With such direction, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
JUDGE