

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 43 of 2013**

Smt.Anwari Begum W/o Aslam Kuraishi Aged About 50 Years R/o Rani Basti (Belgahna), Tah Kargi Road (Kota), Distt Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh S/o Through The Chief Coservator Of Forest, Raipur, Distt Raipur, Chhattisgarh.
2. State Of C.G. Through The Collector,. Bilaspur, Distt Bilaspur, Chhattisgarh.
3. Conservator Of Forest Bilaspur Circle, Distt Bilaspur, Chhattisgarh.
4. Sub-Forest Divisional Officer Pendraroad, Distt Bilaspur, Chhattisgarh.

---- Respondents

For the Petitioner	:	Shri Basant Kaiwartya, Advocate.
For the Respondents	:	Shri S.C. Khakhariya, Deputy A.G.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order on Board****04/03/2016**

1. At the outset, Learned counsel for the Petitioner submits that in Criminal Revision No. 47 of 2012 passed by the Second Additional Judge to the Court of First Additional Sessions Judge, Bilaspur, Chhattisgarh vide order dated 30.8.2012, the revisional Court while allowing the revision, set aside the orders of the Sub Divisional Officer as well as the Authorized Authority/ Conservator of Forest and observed that as the accused is absconding and the investigation is going on, the order for Supurdnama regarding the seized vehicle is not proper.

2. The owner of the said vehicle has not approached before the concerned Magistrate having jurisdiction to consider the prayer and release of the said vehicle on supurdnama. As there is no order of the concerned

Judicial Magistrate under the provisions under Sections 451/ 457 of the Code of Criminal Procedure, 1973 (for short 'the Code'), Learned Counsel for the Petitioner submits that he may be permitted to withdraw the instant WP (227) with liberty to file an appropriate application under Sections 451/ 457 of the Code and the same may be directed to be disposed of by the concerned Magistrate having jurisdiction, without being influenced by the observation of the revisional Court that it is improper to give vehicle on supurdnama as the accused is absconding and the investigation is in progress.

3. Learned State counsel submits that he had no information regarding any WP 227 / Cr.M.P. under Section 482 of the Code has been filed against the order dated 30.8.2012, hence if any such petition is filed, the State may also grant liberty to submit the said facts before the concerned Magistrate during hearing of any such application under Sections 451/ 457 of the Code.

4. On due consideration, the instant W.P.(227) is disposed of without any appreciation on its merits reserving the aforesaid liberty as prayed by the parties.

5. No order as to costs.

Sd/-
Chandra Bhushan Bajpai
Judge