

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 629 of 2016**

Sahani Sahu S/o Pangua Sahu, aged about 65 years, R/o Dhangaon Gosai, Police Station- Jarahagaon, Civil & Revenue District – Mungeli, Chhattisgarh.

---- Petitioner**Versus**

State of Chhattisgarh, Acting through Officer-in-Charge, Police Station- Jarahagaon, Civil & Revenue District – Mungeli, Chhattisgarh

---- Respondent

For Petitioner	:	Shri Devesh G. Kela , Advocate
For Respondent	:	Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****24/06/2016**

The present petition has been preferred challenging the order dated 06.02.2016 passed by the Additional Sessions Judge, Mungeli in Sessions Trial No.14/2015.

2. Brief facts of the case is that the present petitioner is in jail since 10.12.2014 in connection with Crime No.191/14 registered at Police Station Jarahagaon, Mungeli for the offence under Sections 147, 148, 149 and 302 of IPC. The trial in respect of the petitioner is going on before the Additional Session Judge, Mungel in Sessions Trial No.14/2015.

3. In the course of trial, the family members of the petitioner moved an application seeking for obtaining appropriate signature in a prescribed form duly attested by the Court of the petitioner so that the amount which is lying in the bank received by way of sale of paddy by the petitioner to the Society under the Policy of State Govt. against which an amount of Rs.2,07,445 stands deposited in the District Central Cooperative Bank

Ltd., Branch Jarahagaon, Bilaspur may be released to the family of the petitioner. The said application was rejected by the Court below on 06.02.2016 on the ground that firstly since the amount is lying in the name of the petitioner, the same cannot be released to his family members for their use. Secondly, the said application does not reflect any extraordinary circumstance which compels the family members for seeking the release of the said amount.

4. State counsel on due consideration of the facts and circumstances of the case submits that the State has nothing to do on the amount lying in the bank and the State has no right or claim over the said amount. He further submits that if the petitioner does not dispute in releasing the amount to the family members, the State does not have any objection in releasing the said amount to the family members of the petitioner.

5. Admittedly, an amount of Rs.2,07,445 has been received by the present petitioner by way of sale of paddy to the Society and the amount is lying in the bank. The petitioner being the bread earner of the family, in his absence, the family must be finding difficulty to sustain themselves and the said amount would be required for further agricultural purpose and also other purposes for the maintenance of the family who are dependents on the petitioner's income.

6. Considering the total facts and circumstances of the case, this Court is of the opinion that let the Court below on the next date of hearing which according to the counsel for the petitioner is 11.07.2016 seek specific instruction from the petitioner as to whether he has any objection in releasing the said amount to his family members. If the petitioner does not have any objection, the Court below, after obtaining necessary permission and instruction from the petitioner/accused in the prescribed form and with necessary attestation shall release the said entire amount or a sum as agreed by the petitioner to the family members of the petitioner.

7. With the aforesaid directions, the instant Cr.M.P. stands allowed.

Sd/-
(P. Sam Koshy)
JUDGE