

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 439 of 2016**

Shiv Kumar Chandrawanshi S/o Bhagwat Prasad Chandrawanshi Aged About 65 Years R/o Village Charbhatakhurd, Tahsil Pandariya, P.S. Pandatarai, District Kabirdham Chhattisgarh.

---- **Petitioner**

Versus

State of Chhattisgarh Through Police Station - Pandatarai, District Kabirdham Chhattisgarh.

---- **Respondent**

For Petitioner	:	Shri Vikas Pandey, Advocate.
For Respondent/State	:	Shri Bhaskar Pyasi, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

26/10/2016

1. The present petition has been preferred under Section 482 CrPC seeking for quashment of order dated 29.02.2016 passed by the Additional Sessions Judge (FTC), Kabirdham, whereby the application filed by the petitioner under Section 457 CrPC has been rejected.
2. Brief facts necessary for adjudication of the case is that, the petitioner was chargesheeted for the offence under Section 7 of the Prevention of Corruption Act and crime No.34 of 2014 was registered against him. In the course of investigation, one lakh rupees in cash was also recovered from the possession of the petitioner. Subsequently, after the investigation was complete, the investigating agency has filed a closure report No. 02 of 2014 before the JMFC, Pandariya on 25.07.2014 stating that no case as such has been made against the petitioner.

Subsequently, an application under Section 457 CrPC was filed by the petitioner before the court of Additional Sessions Judge (FTC), Kabirdham seeking for release of said amount of rupees one Lakh which was seized at the instance of the petitioner by the investigating agency.

3. The police authorities, vide report dated 17.02.2016 has given no objection for releasing the said amount to the petitioner, yet the court below vide order dated 29.02.2016 has rejected the prayer of the petitioner for release of said amount on the ground that the closure report which has been filed in the concerned court till date the matter has not been closed finally as no order in this regard has been passed by the concerned court. It is this order which is under challenge in this petition.
4. Learned counsel for the petitioner submits that it is the petitioner's money which is in possession of the respondent and that if the police authorities do not have any objection in releasing the said amount and neither any case is made out against the petitioner, he is legally entitled for the release of said money. He further submits that though the closure report was submitted before the concerned court on 25.07.2014, but till date no order has been passed on the said closure application and the petitioner who is a senior citizen of aged about 65 years is unnecessarily being deprived of the benefit that he can have from the said money which is lying in the hands of the respondent authorities.
5. Learned counsel appearing for the State submits that as far as the

State authorities are concerned, the petitioner has been given no objection in releasing the said amount but since the matter is pending consideration before the concerned court on the closure application, the amount has rightly not been released to the petitioner.

6. In the given peculiar facts and circumstances of the case, this court is of the opinion that ends of justice would meet if the JMFC, Pandariya/concerned court wherever the closure application has been submitted by the state authorities is directed to take a final decision on the said closure application at the earliest so that in case if the matter is closed, the amount can be released to the petitioner.
7. It is ordered accordingly.
8. It is made clear that this court has not expressed any opinion on the merits of the closure application that has been moved. The concerned court where the said application is pending is directed to take a decision on the said application which has been filed two years back.
9. It is expected that the court below shall pass a final order on the said closure application dated 25.07.2014 within a period of three months from the date of production of a copy of this order.
10. With the aforesaid direction, this petition is finally disposed of.

SD/-
(P.Sam Koshy)
Judge