

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRIMINAL MISC. PETITION NO. 1061 OF 2016**

Sagni Bai, aged about 50 years, wife of Ramlal, Caste- Khadiya, resident of Patewa, Police Station Patewa, District Mahasamund (C.G.)

**... Petitioner**

**Versus**

State of Chhattisgarh, through the Station House Officer, Police Station Patewa, District Mahasamund (C.G.)

**... Respondent**

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|----------------------|---|--------------------------------------------|
| For Petitioner       | : | Mr. Vikash Pradhan, Advocate.              |
| For Respondent-State | : | Mr. Gary Mukhopadhyay, Dy. Govt. Advocate. |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**23/09/2016**

1. The present petition under Section 482 of CrPC has been moved by the Petitioner challenging the order dated 29.8.2016 passed by Sessions Judge, Mahasamund in Criminal Revision No. H-39/2016.
2. Vide impugned order dated 29.8.2016, the Revisional Court has rejected the criminal revision preferred by the present Petitioner against the order dated 9.8.2016 passed by the Chief Judicial Magistrate, Mahasamund in Criminal Case No. 223 of 2016 whereby the Trial Court rejected the application of the Petitioner for release of an amount of Rs.31,000/- recovered from the house of the Petitioner which was given on rent to the accused Karu Bihari.
3. According to the Counsel for the Petitioner, the money recovered by the police authorities was in fact the money belonging to the Petitioner and it was her premises which had been given on rent to the accused Karu Bihari and that the money was not of the accused but was of the Petitioner and therefore it should have been returned to her.

4. However, from the perusal of the record what is reflected is that the police authorities at the time of the search found 184 liters of illicit liquor in the house of the present Petitioner and in the course of investigation it was found that the portion from where illicit liquor was seized was in fact given on rent to the accused and the money was recovered from the said room. Therefore, this Court also is of the opinion that prima facie the Petitioner has not been able to establish the fact the money in fact was exclusively of hers and it was not recovered from the place where the illicit liquor was seized.

5. Thus, this Court is of the view that there is no illegality or infirmity on the part of the Trial Court in rejecting the application for return of the money and subsequently the Revisional Court in rejecting the criminal revision.

6. The petition under Section 482 of CrPC being devoid of merits the same is accordingly dismissed.

Sd/-

**(P. Sam Koshy)**  
**Judge**