

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.772 of 2015**

Laxmi Narayan Sahu, Son of Panch Ram Sahu, aged about 33 years, R/o. Village Hasaud, PS Jaijaipur, District janjgir-Champa (CG)

----Applicant

Versus

1. State of Chhattisgarh, Through the Station House Officer, PS Kosir, District Raigarh (CG)
2. Mayank @ Golu sahu, Son of Seva Ram Sahu, aged about 24 years, R/o. Dansara, PS Sarangarh, District raigarh (CG)

---- Respondents

Shri Yogesh Chandra, counsel for the appellant.
Shri Lav Sharma, Panel Lawyer for the State/respondent No.1.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****05.02.2016.**

Heard on IA No.01, application for condonation of delay in the filing the instant revision as the same has been preferred after 588 days of its limitation.

2. Also heard on admission.
3. Learned counsel for the applicant submits that for the reasons mentioned in the IA No.01 that the applicant was suffering from fever, cough and cold, he could not file the instant revision within its limitation, the delay may be condoned and also prayed that the matter may be admitted for hearing and after due hearing, the vehicle in question may be given on supurdnama by quashing order passed by the Court below on 29.10.2013.

4. As per the facts brief required for the instant revision is that the applicant is facing trial before the Court of Special Judge under the Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'the Act') Raigarh . As per the charge sheet, he was in illicit possession of 7 kg 600 grams of ganja. During investigation, the said ganja and also motor cycle bearing No.CG 11 CA 7862 being used as a conveyance, were seized. The applicant has filed application under Section 457 of the Code of Criminal Procedure for supurdnama of the said vehicle. The Court below vide order dated 29.10.2013 dismissed the said application and held that property in question may be subject of confiscation.

5. Against the said order, the applicant prayed that the impugned order may be set aside. So far as delay in filing the instant revision is concerned, the applicant submits that he was suffering from fever, cough and cold. In the considered view of the Court, reasons for delay of 588 days mentioned by the applicant does not inspire confidence and as the reasons for delay due to ailment is not supported by any other documents. In the considered view of the Court, the delay is not properly explained as required under the law.

6. Even otherwise, regarding question of illegality or impropriety of the order passed by the Court below is concerned, the Court below held that the property may be subject to confiscation. During argument it was informed by learned counsel

for the applicant that hearing in the said criminal case is completed.

7. As per legal provisions of Section 60 of the Act and onwards are regarding confiscation of illicit drugs, substances, plants articles and conveyance which goes to show that conveyance is also a subject matter of confiscation and the court below after due hearing passed the order regarding the confiscation. After perusal of the provisions of Section 452 of the Code, it is required by the trial Court for the order for disposal of the property at conclusion of trial and after the order for the disposal of the property either a person may get relief or if he is aggrieved by the said order, he can filed an appeal under Section 454 of the Code against the order.

8. On due consideration of the entire facts and legal position, I am of the view that there is no illegality or impropriety committed by the Court below which requires admission of the present petition and also for the hearing.

9. Consequently, the instant criminal revision preferred by the applicant is barred by limitation by 585 days and also is not liable for admission. Consequently, the instant criminal revision is dismissed as not maintainable also as time barred.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE