

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 217 of 2016**

- Devnandan Sahu S/o Ramgual Sahu Aged About 45 Years Resident Of Kumharpara, Mahasamund, Police Station - Mahasamund, Tahsil & District - Mahasamund Chhattisgarh ---- **Petitioner**

**Versus**

- The State of Chhattisgarh Through The Collector, Mahasamund, District - Mahasamund Chhattisgarh ---- **Respondent**

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| For petitioner       | : | Mr. Vikas Pradhan, Adv. |
| For Respondent/State | : | Ms. M. Asha, PL.        |

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**Order On Board****19/02/2016**

Heard.

Learned State counsel accepts notice on behalf of the State.

Learned counsel for the petitioner submits that the period as required under sub-section (3) of Section 6 of the CG Agricultural Cattle Preservation Act, 2004 (in brevity 'Act of 2004') has passed as the vehicle in question was seized on 9-7-2015. It is submitted that undisputedly on the date of order passed by the Chief Judicial Magistrate, Mahasamund dated 14-7-2015 in Cr. M.J.C. No. 187/2015 and also on the date of order passed by the Sessions Judge, Mahasamund in Criminal Revision No. H47/215 dated 7-8-2015, the minimum period required i.e. six month was not complete. Now as six months period as required has complete, it is submitted that he may be given opportunity to file a fresh petition before the trial Court concerned for release of the vehicle and the same may be considered afresh in the light of the provision of sub-section (3) of Section 6 of the Act of 2004.

On due consideration, instant CRMP is disposed of as withdrawn with liberty to the petitioner to file appropriate application afresh before the trial Court for release of said vehicle on temporary custody during the pendency of the case. Needless to mention that if any application is filed by the petitioner before the trial Court, the same may be heard and disposed of afresh on its own merit in accordance with law without being influenced by the order passed in Cr.M.J.C. No. 187/2015 by the trial Court and also the order passed in Cr.Re. No. H47/2015 by the Sessions Judge, Mahasamund.

No order as to costs.

Sd/-  
(Chandra Bhushan Bajpai)  
Judge