

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 401 of 2016**

Ravindra Kumar Bisen S/o Shivchand Bisen Aged About 28 Years R/o Titri, Police Station Rengakhaar, Tahsil Bodla, Distt. Kabirdham Chhattisgarh.

---- Petitioner**Versus**

State of Chhattisgarh Through District Magistrate, District Kabirdham Chhattisgarh.

---- Respondent

For the Petitioner	:	Shri R.S. Patel, Advocate.
For the Respondent/ State	:	Smt. Sobha Kashyap, Dy.G.A.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order on Board****31/03/2016**

1. Heard.
2. Issue notice to the Respondent.
3. Smt. Sobha Kashyap, Deputy Government Advocate accepts notice on behalf of the State/ Respondent.
4. From perusal of the impugned order dated 3.3.2016, it appears that the trial Court i.e. Chief Judicial Magistrate, Kabirdham denied release of vehicle in question on bond or surety as per provisions of Section 6 sub-section (3) of the Chhattisgarh Agricultural Cattle Preservation Act, 2004 (for short 'Act of 2004') wherein it is provided that the seized vehicle cannot be released before expiry of six months from the date of its seizure or till final judgment of the Court, whichever is earlier. The trial Court, in compliance of the said provision, denied the prayer of the Petitioner/ Applicant for release of the vehicle in question. The Additional Sessions

Judge, Kabirdham, Chhattisgarh also reiterated the above provisions of law while disposing Criminal Revision No. 8 of 2016 by order dated 10.3.2016 and held that there is no illegality or impropriety in the order of the trial Court. Hence, it dismissed the revision.

5. Section 6 sub-section (3) of the Act of 2004 is read as under for the relevance of the instant Cr.M.P.:

“6(3) The vehicle or conveyance so seized under sub-section (2) shall not be released by the order of the court on bond or surely before the expiry of six months from the date of such seizure or till the final judgment of the court, whichever is earlier and such vehicle shall also be liable for confiscation at the end of the trial.”

6. From perusal of the above provision, it appears that as per mandatory provision the vehicle so seized shall not be released before the aforesaid period of six months or till the final judgment of the Court, whichever is earlier. On the face of record, it does not reveal that any illegality or impropriety has been committed by both the Courts below. Hence, the instant Cr.M.P. is not maintainable. However, the Petitioner is at liberty to file an application afresh before the trial Court after expiry of the said period of six months and if any such application is filed, the trial Court shall dispose of the same on its own merits in accordance with law without being influenced by any of the observations made in the order of the trial Court dated 3.3.2016 and also the order of the revisional Court dated 10.3.2016.

7. With the above observations, the Cr.M.P. is disposed of.

Sd/-
Chandra Bhushan Bajpai
Judge