

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Misc. Petition No. 746 of 2016

Dalpat S/O Ramadhin Gond Aged About 62 Years R/O. Village -
Patelpara, Pipariya, Thana & Tahsil - Manendragarh, Civil &
Revenue Distt. - Korea Chhattisgarh

---- Petitioner

Versus

State Of Chhattisgarh Through The District Magistrate Korea, Distt.
- Korea Chhattisgarh

---- Respondent

For Petitioner:	Shri Anil Gulati, Advocate
For Respondent/State:	Shri B. Gopa Kumar, Dy. Advocate General

Hon'ble Shri Justice P. Sam Koshy

Order On Board

18.07.2016

1. The present Cr.M.P. has been preferred challenging the order dated 26.05.2016 passed by the Sessions Judge, Baikunthpur District – Korea in Criminal Case No. 19/2016. Vide the impugned order the Revisional Court has allowed the Revision Petition directing release of Rs. 9.2 lakhs on Supurdnama subject to certain conditions pur forth by the Revisional Court.

2. Learned Counsel for the Petitioner submits that it is the conditions which have been imposed by the Court below of which he is aggrieved with which is assailed in the present Cr.M.P. According to the Petitioner these conditions makes the release of the currency notes redundant as the Petitioner would not be in position to use the currency notes pending the Criminal case before the Court below.

3. Learned Counsel for the Petitioner further submits that he is ready to furnish any security in lieu of the amount so that the said currency notes can be used by him.
4. Learned State Counsel at this juncture submits that he has no objection if in case the Petitioner furnishes bank guarantee in lieu of the said amount.
5. Learned Counsel for the Petitioner also accepts the release of the amount subject to the furnishing of the bank guarantee to the said amount.
6. Accordingly, the present Cr.M.P. stands allowed. The conditions of the impugned order stands modified to the extent that subject to the Petitioner furnishing bank guarantee equivalent to the amount which is being released from the police authorities, the said amount shall be released on Supurdnama.
7. Learned Counsel for the Petitioner further raise an objection that the amount of 9.2 ordered by the Revisional Court is not correct. The actual figure recovered from the possession of the Petitioner was 10.43 Lakh.
8. In case of any such discrepancy the Petitioner can approach the concerned Court bringing this fact to the Court's notice who in turn shall pass appropriate order after due verification of the record.
9. With the aforesaid observation the present Cr.M.P. stands allowed.

Sd/-

(P. Sam Koshy)
JUDGE