

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Misc. Petition No. 1321 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 O. P. Sahu, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

02.12.016

1. The present Cr.M.P. has been filed seeking for modification of the order dated 18.07.2016 passed by this Court in Cr.M.P. No.746 of 2016.
2. While disposing of the Cr.M.P No.746 of 2016 this Court had ordered for releasing the amount subject to the petitioner furnishing bank guarantee equivalent to the amount which was being released to him.
3. Counsel for the petitioner submits that the petitioner herein is a retired SECL employee and he does not have sufficient means to obtain bank guarantee for releasing of the said amount. He further submits that the petitioner has got some landed property and he may be permitted to furnish the same as a security in lieu of Bank guarantee and the value of the said property is more than the amount which is to

be released to him. Therefore, counsel for the petitioner prayed for modification of the order dated 18.07.2016 to that extent.

4. State counsel does not have any objection to the discretion of the Court to pass an appropriate order.

5. Taking into consideration the fact that the petitioner is a retired employee this Court is of the opinion that it is a fit case where the order dated 18.07.2016 can be modified.

6. Accordingly, the order dated 18.07.2016 passed in Cr.M.P. No. 746 of 2016 stands modified to the extent that in stead of furnishing Bank guarantee, the petitioner shall now have the liberty of producing landed property as security worth like the amount that he is willing to release. It is expected that the Court below while accepting the security of landed property shall verify whether the same is worth like the amount which is being sought to be released to the petitioner or not.

Sd/-
(P. Sam Koshy)
JUDGE