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HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 815 of 2015**

- Sonu Katkar S/o Narayan Katkar, Aged About 29 Years R/o Ring Road No. 2, Tatibandh, Raipur, District - Raipur, Chhattisgarh. Permanent Resident Of Vinobha Bhawe Nagar, Gali No. 23, Yashodhra Nagar, Nagpur, Police Station - Yashodhra Nagar, Maharashtra

---- Petitioner**Versus**

- State Of Chhattisgarh Through : Collector - Bemetara, District - Bemetara, Chhattisgarh

---- Respondent

For Petitioner : Shri Tarun Dansena, Advocate.

For Respondent/State : Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****17/08/2017**

Heard.

1. Learned counsel for the petitioner submits that he is the registered owner of the vehicle bearing registration No.C.G.-04-DA-5897, which was seized in connection with offence under Sections 4 and 6 of the Chhattisgarh Agricultural Cattle Preservation Act, 2004 and Section 11 of the Prevention of Cruelty to Animals Act, 1960. He filed one application under Section 451 of Cr.P.C. before the trial Court praying for grant of interim custody of the seized vehicle, which was rejected by order dated 22.6.2015. Petitioner challenged this order before the Court of Sessions Judge, Bemetara by filing Criminal Revision No.20/2015, which was decided on 30.7.2015 by the impugned order and the revision petition has been dismissed.

2. It is submitted by counsel for the petitioner that the seized vehicle is the only source of livelihood of the petitioner, which is lying idle in police custody since 2013, due to which its value is diminishing day-by-day. Therefore, the said vehicle may be handed over to the petitioner on interim custody. He further submits that the petitioner is ready to abide all the conditions as may be imposed by this Court while granting interim custody of the vehicle concerned.
3. Opposing the ground as raised in this petition and the argument advanced on behalf of the petitioner, learned counsel for the State submits that the trial against the accused in the connected case is still pending before the Court below, hence, petitioner is not entitled for any relief from this Court.
4. Considering the submissions made in this behalf and the fact that petitioner is the registered owner of the vehicle in question, and presently no proceeding for confiscation of the seized vehicle is going on, and as it appears that the seized vehicle is lying idle in the custody of P.S.-Saja for the last 4 years, it cannot be ruled out that if a vehicle is kept idle constantly for long time, it would lose its value and by the time, some decision takes place the harm would already have been done and nobody would be benefited out of it neither the owner of the vehicle, if the vehicle is to be returned to him nor the Government if the vehicle is to be confiscated in favour of the Government. Hence, for these reasons, order impugned and the order of the trial Court needs interference.
5. Accordingly, the petition is allowed. The impugned order and the order passed by the trial Court are set aside.
6. It is directed that the trial Court shall make an assessment of the value of the vehicle and thereafter direct the petitioner to furnish a personal bond and one *Supurdnama* of the same value. On furnishing the bond and *Supurdnama*, the seized vehicle shall be released in favour of the petitioner after verifying the documents of his ownership. The petitioner is directed not to alienate, transfer or make any changes in the vehicle in question affecting the identity of the said vehicle. He shall also produce

the vehicle before the Court below as and when directed.

7. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)

JUDGE

Nisha