

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 287 of 2017**

Rabba Koma S/o Joga Aged About 57 Years Caste Gond, R/o
Village- Gondpalli, Tahsil- Sukma, District- Sukma, Chhattisgarh.

---- Petitioner**Versus**

State Of Chhattisgarh Through The Collector, Dantewada,
District- South Bastar Dantewada, Chhattisgarh.

---- Respondent

For the Petitioner	:	Shri Goutam Khetrapal, Advocate.
For the Respondent /State	:	Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.09.2017**

1. Heard.
2. This petition has been brought under Section 482 of the Code of Criminal Procedure challenging the order dated 17.01.2017 passed by the Learned Sessions Judge, South Bastar, Dantewada, Chhattisgarh in Criminal Revision No. 18 of 2013.
3. Learned counsel for the petitioner submits that in a proceeding by the Revenue department, certain teakwood were seized from the possession of the petitioner. The proceeding under Section 241 of the Land Revenue Code was initiated before the Collector, Dantewada. The Collector, Dantewada passed an order of confiscating the seized teakwood which was auctioned and the amount was deposited in the treasury. The petitioner filed an application under Section 457 of the

Cr.P.C. before the Court of Chief Judicial Magistrate, Dantewada. During the pendency of the proceedings before the Collector, Dantewada, the seized teakwood was auctioned before passing the final order dated 9.5.2013, in which CJM, Dantewada has ordered to refund the amount received in auction of the teakwood seized from the petitioner and that order was challenged. The Sessions Court has held in the revisional order that there had been no criminal proceedings against the petitioner and the application of the petitioner was moved against the proceedings pending before the Collector under Section 241 of the Land Revenue Code, hence, holding the order passed by the CJM, Dantewada as erroneous the same was set aside. Hence, this petition.

4. Learned State counsel has opposed this petition.

5. Heard counsel for both the parties and perused all the documents on record.

6. It is apparently clear that there had been no criminal proceedings and the teakwood seized from the possession of the petitioner were not seized in connection with commission of any offence. Hence, the entitlement for passing any order of disposal was not with the criminal courts. The case was pending before the Collector, Dantewada and the final order has been passed by him under Section 241 of the Land Revenue Code for confiscating the seized article. Consequent to which, the auction has taken place and as submitted the order so passed is appealable under the provisions of Chhattisgarh Land Revenue Code. Hence, in these circumstances, there appears no substance to entertain

for exercise of powers under Section 482 of the Cr.P.C. However, the petitioner shall be at liberty to file an appeal against the order passed by the Collector, Dantewada in this case before the competent authority.

7. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi