

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No731 of 2017**

- Asgar Hussain S/o Mohammd Haneef aged 30 years, R/O- Lalkhadan, Bilaspur, P.S.- Torwa, Dist.- Bilaspur (C.G.).

---- Petitioner**Versus**

- State of Chhattisgarh, Through: Station House Officer, Police Station Ratanpur, District-Bilaspur (C.G.).

---- Respondent

For the Petitioner	: Shri Ishwar Jaiswal Agrawal, Advocate
For Respondent/ State	: Shri Aashish Shukla Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.09.2017**

(1) Heard.

(2) This petition has been brought under Section 482 of the Code of Criminal Procedure (henceforth "Cr.P.C") with a prayer to quash the impugned order dated 16.06.2017 passed by the Additional Sessions Judge Bilaspur rejecting the application under Section 457 of Cr.P.C for grant of interim custody of truck bearing Registration No. **C.G.10Y-7759**.

(3) Counsel for the petitioner submits that the above-mentioned truck was seized in connection with Crime No. 145/17 registered for the offence under Sections 379, 411 & 34 of IPC and Sections 136, 137 of Electricity Act. Petitioner is the registered owner of the concerned vehicle and he is not involved in the case. His prayer for interim custody of the vehicle has been arbitrarily rejected by the Court below. Hence, it is prayed that the petition be allowed and petitioner be granted the relief as prayed for.

(4) Counsel for the State submits that the case is still under investigation, hence the prayer for grant of interim custody of the vehicle at this stage may not be entertained by this Court.

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

(6) Considering the submissions made and the documents on record, as submitted, the petitioner is the registered owner of the vehicle seized and he himself is not involved in the crime in question. It is also submitted that the petitioner used to let his vehicle on hire to the persons. The vehicle in question, if left stationary, is bound to suffer loss due to lack of maintenance and for various other reasons. Hence, for this reason, the order passed by the Court below suffers from infirmity. On the basis of the reasons aforementioned, this petition is allowed at the motion hearing stage. The impugned order is hereby set aside. It is ordered that the Court concerned shall make an assessment of the value of the seized vehicle and pass order for furnishing of one bond and a supurdnama of the value so assessed. The Court concerned shall after verifying the documents of registration of the vehicle, grant interim custody of seized vehicle to the petitioner with the condition to produce the vehicle before the Investigation Officer or before the Court as and when ordered by the concerned. Further the ownership, colour of vehicle and any other material change in the vehicle shall not be made during the period of interim custody.

(7) Accordingly, this petition is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge