

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1344 of 2017

1. Vijay Kumar Sao S/o Shri Devnandan Sahu Aged About 43 Years R/o Ward No. 13 Adarsh Street Ram Nagar Bhilai Police Station Supela District Durg Chhattisgarh (Owner Of The Vehicle)
2. Manoj Kumar S/o Shri Devnandan Sahu Aged About 43 Years R/o House No. 207 Ram Nagar Bhilai District Durg Chhattisgarh (Owner Of The Vehicle)

---- Petitioners

Versus

1. State Of Chhattisgarh Through Police Station Nandghat District Bemetara Chhattisgarh.
2. District Magistrate, Bemetara District Bemetara Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Vivek Singhal, Advocate.
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For Respondent/State	:	Shri Anil S. Pandey, Govt. Advocate.
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Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/10/2017

Heard.

1. Petition has been brought under Section 482 of Cr.P.C. praying for issuance of direction.
2. It is submitted by learned counsel for the petitioner that respondent No.1 is the registered owner of vehicle Scorpio bearing Registration No. CG-07 MP-4741 and petitioner No.2 is a registered owner of 3 tankers bearing Registration No. CG-07 CA-7825, CG-06-5828 & CG-10 ZB-0244 respectively. All these vehicles have been seized by the police in connection with Crime N.241 of 2016 registered at PS-Nandghat for offence under Section 420 of Indian Penal Code (for short 'IPC') and Section 3 read with 7 Essential Commodities Act, 1955. Seized vehicles are proposed to be confiscated and the proceeding has been drawn by respondent No.2 by issuing notice to the petitioners vide order dated 17.8.2016 (**Annexure P-4**), however, till date the proceeding has not

been completed because of which petitioners feel harassed. As the subject matter of confiscation is vehicles, by the passing of time vehicles are subject to depreciation and devaluation due to lack of maintenance and other reasons, therefore, prayed that respondent No.2 be directed to expedite the proceeding so that petitioners shall either get relief or shall get the opportunity to pursue the forum available for seeking remedy.

3. Learned counsel for the petitioner has opposed the petition, however, he submits that if the petition is disposed of with a suitable direction in that case the State do not have any objection.
4. Heard both the parties and perused the material on record.
5. Annexure P-4 is the order-sheet dated 17.8.2016 recorded by respondent No.2 wherein there is mention of issuance of notice of confiscation proceedings to the petitioners and thereafter a number of dates have been fixed but the proceeding is in standstill condition without any progress.
6. Considering the fact that the confiscation of vehicles are subject to depreciation and decay due to lack of maintenance and leaving the vehicle idle would also damage not only its value but its condition also day-by-day, it would be appropriate to issue suitable direction to respondent No.2 to expedite and complete the proceeding.
7. On the basis of reasons above-mentioned, this petition is allowed at the motion stage itself with a direction to the respondent No.2 to proceed with the proceeding of Case No.42/2016 regarding confiscation of seized vehicles, described above, and conclude the proceedings as early as possible preferably within a period of 3 months from today.
8. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
JUDGE