

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2849 of 2017

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1. Ranjeet Kumar Jha, aged about 35 years, S/o Ramshankar Jha, R/o Mohalla- Oparwa Hospital, Dhurub Nagar, P.S.- Ramgarh, District- Ramgarh (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar Through The Secretary, Department of Home (police), Bihar, Patna.
2. The Director General & Inspector General of Police, Bihar, Patna.
3. The Superintendent of Police, Aurangabad.
4. The Station House Officer, P.S.- Town, Dist- Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani

For the Respondent/s : Mr. Md. Nadeem Seraj (GP5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-02-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner is aggrieved by the order dated 27.11.2017 passed by the learned Sessions Judge, Aurangabad in Cr.Revision No.101 of 2017 by which he has held that there is no illegality or infirmity in the order dated 17.11.2017 passed by the learned Chief Judicial Magistrate, Aurangabad in the matter of release of the vehicle (Truck bearing Reg.No.HR38Q/6387) in favour of the holder of general power of attorney. The vehicle was seized in connection with Aurangabad Town P.S. Case No.307 of 2017.

Learned counsel for the petitioner submits that the



vehicle is registered in the name of Darcl Logistic Limited (now known as CJ Darcl Logistic Limited) and this petitioner is holding special power of attorney duly signed by Sri Roshan Lal Agrawal executant. It is stated that the said Roshan Lal Agrawal is holding power to issue special power of attorney therefore he has in exercise of that power issued the special power of attorney in favour of this petitioner. The grievance is limited to the extent that the special power of attorney holder should be allowed to get possession of the vehicle on behalf of the company.

Learned counsel for the State is present.

In this case, neither the company nor the executant i.e. the Roshan Lal Agrawal who is said to be one of the directors of the company has been impleaded as party. I have gone through the contents of the impugned order and on consideration of the submissions made on behalf of the petitioner this Court is of the considered opinion that if the vehicle is registered in the name of the Company M/S Darcl Logistic Limited having its registered office at DARCL House, plot no.550, Sector 44, Gurugram (Haryana) and Head office at 19/3, Tilak bazaar, Hisar (Haryana), any person duly authorized by the Board of Directors of Company by a Board's resolution or by a delegatee of the Board authorized through a special power of attorney executed by the delegatee duly



authorized by the Board can take possession of vehicle in question on behalf of the company. The petitioner has not brought on record any resolution of the Board of Directors and in absence of such resolution of the Board the power of attorney which is said to be in the nature of special power of attorney as contained in Annexure-3 is not sufficient to empower him to take possession of the vehicle. If the Company M/S Darcl Logistic Company is willing to authorize this petitioner to receive vehicle in question on their behalf, the company would be required to pass Board's resolution and person duly authorized by the Board may either himself receive the vehicle or will issue a power of attorney in favour of the petitioner or any other person of their choice who on the strength of such documents will claim possession of the vehicle in question and will be allowed to get possession of the vehicle on behalf of the company subject to the terms and conditions which are part of the order passed by the court below.

The impugned orders are modified to the extent only indicated herein above.

The application stands disposed of.

Arvind/-

(Rajeev Ranjan Prasad, J)

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