

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47356 of 2016

Arising Out of PS.Case No. -48 Year- 2016 Thana -DUMARIA District- GAYA

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Kiran Devi wife of Dhananjay Ravidas, resident of village-Khaira, P.S.-Dumariya,
District- Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the State : Mr. Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 25-01-2018

Heard learned counsel for the petitioner and learned counsel
for the State.

2. This application under Section 482 of the Code of Criminal Procedure (for short 'the Cr.P.C.') has been filed for quashing the order dated 15.09.2016 passed by the learned Sub Divisional Judicial Magistrate, Sherghati in Dumariya P.S. Case No.48 of 2016 by which the petition dated 11.07.2016 filed on behalf of the petitioner for release of vehicle has been rejected.

3. It is admitted by the learned counsel for the petitioner that in respect of the vehicle Pick-up van bearing registration no.BR02W-7512 which was initially seized in connection with Dumariya P.S. Case No.48 of 2016 registered under Sections 420 of the Indian Penal Code and Section 7 of the Essential Commodities



Act, Confiscation Case No.17 of 2016 has been initiated by the District Magistrate, Gaya.

4. It is well settled in law that once a confiscation proceeding is initiated, the Magistrate concerned becomes a functus officio as far as seized vehicle is concerned.

5. In that view of the matter, I see no illegality in the impugned order whereby the application of the petitioner for release of the vehicle in question has been rejected.

6. The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
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