

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1440 of 2017

- Ganga Prasad Sahu S/o Chandra Prakash Sahu, Aged About 34 Years R/o Dewarhat, Police Station Lalpur, Distrit Mungeli Chhattisgarh., Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through Police Station Lalpur, District Mungeli Chhattisgarh., Chhattisgarh. --- **Respondent**

For the Petitioner : Mr. N. K. Chatterjee,, Advocate
For the State : Mr. Sangharsh Pandey, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24-04-2018

1. Heard.
2. The instant petition is against the order dated 29.06.2017 passed in Criminal Revision No.36/2016 by the Additional Sessions Judge, Mungeli.
3. The documents filed along-with the petition would show that the confiscation order was passed by the Collector on 24.10.2016 in exercise of powers under section 6-A of the Essential Commodities Act 1955 and the order of confiscation of vehicle was passed. The said order was subject of revision before the revisional Court of Additional Sessions Judge, Mungeli. The revisional Court also dismissed the revision

4. The record would show that against such order, the revision was filed on 29.11.2016. Section 6-C of the Essential Commodities Act mandates that any person aggrieved by the order of confiscation u/s 6-A, may within one month from the date of communication of order to him may file an appeal. In this case the order of Collector was dated 24.10.2016 and the revision which was not tenable was filed after one month. Therefore, apparently as appears the petitioner has not availed the remedy available to him u/s 6-C and even if the revision is treated to be as an appeal, the same was filed after one month from the date of passing of the order of confiscation.
5. After perusal of the order passed by the Addl. Sessions Judge dated 29.06.2017, I am not inclined to go into the authenticity of the order as the order itself was without jurisdiction. The petition, therefore, is not tenable and it is dismissed.
6. The petitioner, if so advised, may avail appropriate remedy before the appropriate forum.

Sd/-

**Goutam Bhaduri
Judge**