

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.322 of 2018

Smt. Shanti Gain, w/o Late Shri Punya Charan (Wrongly mentioned Punyachandra) by Caste Bangali, aged about 54 years, R/o Subhash Nagar, Ambikapur, Thana Gandhinagar, Civil and Revenue District Surguja, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through District Magistrate Ambikapur, District Surguja, Chhattisgarh

--- Respondent

For Applicant	:	Shri Sunil Sahu, Advocate
For Respondent	:	Shri Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

3.4.2018

1. The revision is listed for hearing on admission. With the consent of Learned Counsel appearing for the parties, it is heard and decided finally.
2. The revision has been preferred against the order dated 14.12.2017 passed by the Special Judge under the Narcotic Drugs and Psychotropic Substances Act, Ambikapur in Special Case No.7 of 2017 rejecting the application of the Applicant under Section 451 of the Code of Criminal Procedure.
3. Facts of the case, in brief, are that on 8.12.2016, on receiving secret information from an informant, total 573 pieces of Rexogesic Injections kept by accused Pradeep, son of the present Applicant in the dicky of a Scooty bearing registration No.CG 15 CX 4441 were seized from his possession. The present Applicant is the registered owner of the said Scooty. She moved an application under Section 451 of the Code of Criminal Procedure before the Special Judge for receiving back her Scooty on supurdnama. The

said application has been rejected by the impugned order dated 14.12.2017. Hence, this revision.

4. Learned Counsel appearing for the Applicant submits that the Applicant is the registered owner of the Scooty. The Scooty is kept in an open place in the police station since December, 2016. Engine of the vehicle is likely to become out of order. No proceeding for confiscation of the Scooty is pending.
5. Per contra, Learned Counsel appearing for the State/Respondent supports the impugned order.
6. I have heard Learned Counsel appearing for the parties and perused the material available with due care.
7. Considering the facts and circumstances of the case, particularly that the vehicle is kept in an open place of the police station since December, 2016, no proceeding relating to confiscation of the vehicle is pending and value of the vehicle may be depreciated on its remaining kept unused for long, I am inclined to allow the present revision and release the vehicle on supurdnama.
8. Accordingly, the revision is allowed. The aforesaid Scooty be released in favour of the Applicant on a supurdnama with the following conditions that during pendency of the trial—
 - (i) no third party transfer of the vehicle shall be done by her,
 - (ii) paint and look/design of the vehicle shall not be changed and
 - (iii) whenever order for submission of the vehicle is issued, the same shall be complied with on time.

Sd/-
(Arvind Singh Chandel)
Judge