

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.361 of 2018

Smt. Barangi Suryakantham, W/o Dasi David Raju, aged about 49 years, R/o Kakinada Towan Kainada Urban Mandal, District East Godavari (A.P.), through Dasi David Raju, S/o late D. Joseph, aged about 51 years, R/o Village Paddipalem Prathipadu Mandal, District East Godavari (A.P.)

---- Applicant

versus

State of Chhattisgarh through District Magistrate Kondagaon and Police Station Vishrampuri, District Kondagaon, Chhattisgarh

--- Respondent

For Applicant	:	Shri Pravin Kumar Tulsyan, Advocate
For Respondent	:	Smt. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

28.11.2018

1. Heard on admission.
2. This revision has been preferred against the order dated 24.1.2018 passed by the Special Judge under the Narcotic Drugs and Psychotropic Substances Act (henceforth 'the NDPS Act'), Kondagaon in connection with Crime No.107 of 2017 registered for the alleged offence punishable under Section 20(b) of the NDPS Act, whereby the Special Judge has rejected the application of Supurdnama of a vehicle Swift Desire bearing registration No.AP 05 DV 8887 on the ground that the vehicle in question was used for transportation of illegal Ganja of about 137 Kgs. It was further observed by the Special Judge that the accused of the said case is still absconded and the present Applicant, who is the registered owner of the said vehicle, is not disclosing the name of the driver,

who, at the relevant point of time, drove the said vehicle.

3. Shri Pravin Kumar Tulsyan, Learned Counsel appearing for the Applicant submits that since the present Applicant is the registered owner of the said vehicle, the vehicle is a machinery article and is kept idle since 24.1.2018, it may be given to the Applicant on supurdnama.
4. Smt. Smita Ghai, Learned Counsel appearing for the State/Respondent opposes the above submission and supports the impugned order.
5. I have heard Learned Counsel appearing for the parties and perused the material available with due care.
6. From the documents available, it reflects that the accused of the crime in question is still absconded and the present Applicant has not disclosed the name of her driver, who, at the time of incident, drove her said vehicle. The Special Judge has found that the present Applicant did not co-operate the prosecution and, therefore, he has rejected the application of supurdnama. I find that the rejection of the application of supurdnama by the Special Judge on the ground of non-cooperation of the Applicant with the prosecution is just and does not warrant any interference by this Court. There is no infirmity in the impugned order.
7. Consequently, the instant revision is dismissed.

Sd/-

(Arvind Singh Chandel)
Judge