

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****W.P.(227) No. 293 of 2018**

Anil Kumar, S/o. Ganesh Prasad, Aged About 52 Years, R/o. Village Maohapali, Tahsil Kharsiya, District- Raigarh, Chhattisgarh.

---- Petitioner**Versus**

1. Vikash Pradhan, S/o. Jagdish Pradhan, Aged About 32 Years, Occupation- Service, R/o. Village- Bhikharimal, Post- Boirdadr, Tahsil & District- Raigarh, Chhattisgarh. At Present- L.I.G. 59 Dindayal Colony, Chote Atrmuda, T.V. Tower Raigarh, Chhattisgarh.
2. Ballu Sharma, S/o. Lokmani Sharma, Aged About 42 Years, R/o. Village- Hamalpara Kharsiya, Thana & Tahsil Kharsiya, District- Raigarh, Chhattisgarh.

---- Respondents

 For Petitioner : Mr. Sharmila Singhai, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****06.04.2018**

Heard

1. The present petition is against the order dated 12.02.2018 wherein an application under Order 13 Rule 10 of C.P.C. was rejected whereby the document of seizure i.e. insurance policy in respect of the offending vehicle was called for which was seized in a criminal case.
2. Learned counsel for the petitioner would submit that the accident happened in the year 2009 and in the year 2016 a claim case has been preferred. The instant petition is by the owner of the vehicle. She submits that after the accident, the criminal case was registered and the police has seized the insurance policy from the driver i.e. the respondent No.2, which would be evident from the seizure memo and after lapse of 9 years, the petitioner could not

place the insurance paper and he could prove the defence only on the basis of the insurance policy which was seized in the year 2009.

3. Perused the seizure memo of the Crime No.16/2009 which shows that the seizure of the insurance papers were made alongwith the Car bearing No.C.G.13C 2414 and the RC Book etc. Considering the nature of the prayer made, no prejudice would be caused if the document under Order 13 Rule 10 of C.P.C. is allowed whereby the petitioner has called for the record of the Criminal Case No.803/2009.
4. Accordingly, the petition is allowed. The trial Court is directed to call for the entire record of the Criminal Case No.803/2009 in between *State v. Ballu Sharma* before it.

Sd/-
(Goutam Bhaduri)
Judge