

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 777 of 2018**

- Trimal Ramteke S/o Shri Budhram Ramteke Aged About 41 Years R/o Makan No. 156, Ward No. 12, Ramteke Kirana Store, Najarlalpara, Sirgitti, Bilaspur Chhattisgarh,

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Station House Officer, Police Station Tarbahar, District Bilaspur Chhattisgarh
2. Smt. Devibai Parmar W/o Daulatram Parmar Aged About 66 Years R/o Plot No. 1322, Gali No. 09, Vinobabhawe Nagar, Dr. Ambedkar Marg Nagpur M. H.
3. Smt. Atribai Silvat W/o Dhulaji Shilawat Aged About 42 Years R/o Gali No. 05, House Of Jamun Teli, Dayanand Colony Nagda, P. S. Madni, Distt. Ujjain M. P.
4. Dhulaji Shilawat S/o Shivaji Silawat Aged About 42 Years R/o Gali No. 05, House of Jamun Teli, Dayanand Colony Nagda, P. S. Madni, Distt. Ujjain M. P.

---- Respondents

For Petitioner	:	Shri Vipin Tiwari, Advocate
For Respondent/State	:	Shri Anil Pillai, Dy. AG for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****11/05/2018**

1. Heard.
2. The instant petition is against the order dated 30.11.2017, wherein the amount seized from the accused on a complaint made has been directed to be forfeited.
3. The background of this case is that Devi Bai, Atri Bai and Dhula Ji were

prosecuted under Section 420/34 IPC they were convicted by the JMFC, Bilaspur and have been sentenced for 3 years jail and fine with a default clause. In such conviction order dated 22.09.2017 JMFC, Bilaspur further directed that the seized amount in entirety to the tune of Rs.50,000/- be returned to the complainant after the appeal period. Thereafter, against the conviction, the appeal was preferred bearing Criminal Appeal No.163/2017 and the Sessions Judge, Bilaspur acquitted the accused by giving benefit of doubt and further directed for confiscation of the amount of Rs.50,000/- which was earlier directed to be returned to the complainant. Learned counsel for the petitioner submits that against such order of confiscation, the petition is filed.

4. Perusal of the record would show that the finding which has been given by the learned Sessions Judge is upon adjudication in an appeal, therefore, the complainant/petitioner if at all is aggrieved by such finding, he may avail the appropriate remedy as available to him under the law. Invoking power vested under Section 482 Cr.P.C. under the facts of this case would amount to usurping the power of revision.
5. The petition has no merits. It is accordingly dismissed.

SD/-

Goutam Bhaduri
Judge

Ashu