

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 503 of 2018**

1. Mohan Shikari S/o Pandu Shikari, aged about 45 years,
2. Jagdish Shikari S/o Shri Santri Shikari, aged about 40 years,
Both are R/o Village Dhangaon, Police- Station- Pamgarh, District-
Janjgir-Champa (C.G.).

----Applicants**Versus**

1. The Divisional Forest Officer, Bilaspur Forest Division, Ware House Road, Bilaspur (C.G.).
2. State of Chhattisgarh, through the Collector, District-Bilaspur (C.G.).

---- Respondents

For Applicants	:	Mrs. Savita Tiwari, Advocate
For Respondents	:	Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****25/07/2018**

1. By way of the present Criminal Revision filed under Section 397 read with 401 of Cr.P.C., the applicant has challenged the order dated 16/04/2018 passed by the Second Additional Sessions Judge, Bilaspur in Criminal Appeal No. 44/2018 arising out of order dated 23/02/2018 passed by Divisional Forest Officer rejecting the application of the applicant of Supurdnama.
2. Brief facts of the case are on 18/05/2015, during patrolling the Flying Squad of Forest Division has caught the applicants near Village- Sonsri while they hunting forest birds. Total 21 birds, one pistol (Bharmar bandook) and one motor-cycle bearing registration No. CG11 F 8269 was seized from the applicants. Offence under Sections 2, 39, 44, 50 & 51 of

Wildlife Protection Act, 1972 was registered. Since, both the applicants are owner of the said motor-cycle and pistol, they moved an application for Supurdnama of the said articles before the Divisional Forest Officer, which was rejected vide order dated 23/02/2018. Against the said rejection, an appeal was also preferred which was also rejected vide order dated 16/04/2018. Hence, this revision.

3. Learned counsel for the applicants submits that applicant- Jagdish is the owner of the said motor-cycle and applicant- Mohan is the owner of the said pistol. Both the articles are lying since last 3 years and no fruitful purpose would be served if the articles remains idle in the custody of the police personnels exposed to the extreme weather conditions. The articles would get decayed day by day and would further deteriorate by passage of time to the extent that it would become unusable after some time and therefore in the interest of justice the above articles may be released.
4. Learned counsel appearing on behalf of the State opposes the prayer.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case and further considering that applicant- Jagdish is the registered owner of the seized vehicle which is machinery article and is standing since last 3 years, trial will likely to take some time and no useful purpose would be served if the seized vehicle is allowed to get exposed in the extreme weather conditions at the police station. On the contrary, if the vehicle can be released to the applicant- Jagdish subject to certain conditions he can

use it so that the vehicle does not become junk after some time. So far as the seized pistol is concerned, though Mohan is the owner of the said pistol but the said pistol has been used for hunting of the birds and its license has been expired, therefore, pistol cannot be given on Supurdnama.

7. For the foregoing reasons, It is directed that the seized vehicle belonging to applicant- Jagdish bearing registration No. CG11 F 8269 be released to the said applicant on Supurdnama upon his furnishing an bond of Rs. 30,000/- with one surety to the satisfaction of the concerned Court below for return of the said vehicle, if required at any point of time. In the bond he shall give an undertaking that he shall not change the ownership of the vehicle nor shall he change the colour of the vehicle neither shall he create a third party right or interest over the said vehicle. He shall also undertake that he shall produce the vehicle as and when required by the prosecution during the course of investigation, trial and even at the appellate state. He shall further undertake to produce the vehicle to any competent authority under different statutes as and when required.
8. However, the seized pistol belonging to applicant- Mohan shall not be released.
9. Consequently, the revision is partly allowed to the extent indicated above.

Sd/-
(Arvind Singh Chandel)
Judge