

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.2224 of 2018**

- Arjun Gupta S/o Late Lootan Saw Aged About 44 Years R/o Village Rajpur, Police Station Rajpur, District Balrampur-Ramanujganj Chhattisgarh

---- **Petitioner****Versus**

- State Of Chhattisgarh Through District Magistrate, Balrampur, District Balrampur-Ramanujganj Chhattisgarh

---- **Respondent**

For the Petitioner : Shri Chandra Bhushan Kesharwani,
Advocate
For the respondent/State : Shri Vaibhav Goverdhan, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

27.10.2018.

1. This is an application filed under Section 482 of the Code of Criminal Procedure, 1973 being aggrieved by the order dated 08.8.2018 passed in Criminal Revision No.39/2018 by Additional Sessions Judge, Ramanujganj, Distt. Balrampur who affirmed the order dated 20.7.2018 passed by Judicial Magistrate First Class, Balrampur in Criminal MJC No.46/2018.

2. Police Station Balrampur registered a complaint bearing No.04/2018 under Section 41(1)(d) of the CrPC and seized scrap materials of iron from accused Rajkumar Pal who was the driver of the vehicle. As per the petitioner, he is the owner of the said scrap materials which was purchased from various persons namely M/s. Gupta Traders, Hardware And Steel Fabrication, M/s. Tej Kumar Sandliya, Shamim Diesel Garage and others.

3. Learned counsel for the the petitioner submits that no criminal case has been registered regarding iron scrap material seized in the present case, therefore, it is not a case where it can be reasonably suspected that the said property is a stolen property, therefore, the said property may be handed over to the petitioner in the interim custody.

4. On the other hand, learned counsel for the State opposes the application.

5. As no report is lodged for the articles seized in the case, there is nothing which can be the basis for suspecting the property to be a stolen property, the property cannot be retained in Police Station *sine die*.

6. Accordingly, the application is allowed. It is directed that on furnishing a personal bond of Rs.50,000/- by the petitioner, the Police authorities of Police Station Pasta, Distt. Balrampur shall hand over the property of the petitioner in his interim custody.

Sd/-

(Ram Prasanna Sharma)
JUDGE