

Criminal Revision No. 2782 of 2017 (O&M)

Date of decision : March 14, 2018

Neeraj Kumar

.....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Parveen Sharma, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. J.P. Rana, Advocate
for respondents No. 2 and 3.

LISA GILL, J.

This petition has been filed challenging order dated 07.06.2017 whereby the car in question was not permitted to be released on superdari by the learned Additional Sessions Judge, Sonapat.

The petitioner, it is stated, is the registered owner of the vehicle allegedly used in the commission of offences by respondents No. 2 and 3 as per FIR No. 116 dated 21.03.2016 under Sections 323, 376 (d), 506 IPC, Section 6 of Protection of Children from Sexual Offences Act, 2012 and Section 3 of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act registered at Police Station Kundli, District Sonapat. It is further informed that respondents No. 2 and 3 have been acquitted of the charges against them by the learned Additional Sessions Judge/Special Judge, Sonapat on 14.11.2017, however, no order has been passed by the learned trial Court regarding confiscation of the case property, therefore, the present vehicle is required to be released to the petitioner, who is the

registered owner. Photocopy of judgment dated 14.11.2017 filed in Court today is taken on record subject to just exceptions.

Learned counsel for the State is unable to deny that the accused in FIR No. 116 dated 21.03.2016 i.e. respondents No. 2 and 3 have been acquitted. However, he is unable to apprise the Court whether any appeal has been preferred by the State.

Learned counsel for respondents No. 2 and 3 submits that respondents No. 2 and 3 have not received any notice of an appeal preferred by the State or the complainant.

Keeping in view the facts and circumstances as above, it is directed that the vehicle in question be released to the petitioner in accordance with law as well as subject to verification of his ownership of the vehicle and the filing/or otherwise of an appeal against judgment dated 14.11.2017.

Present petition is, accordingly, disposed of.

March 14, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No