

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 95 of 2019**

- Rewaram Sahu S/o Hridayram Sahu Aged About 62 Years R/o Village Kokdi, Tahsil And District- Durg, Chhattisgarh

---- Petitioner**Versus**

1. Smt. Kunti Bai W/o Anujram Sahu Aged About 62 Years
2. Tejram Sahu S/o Anujram Sahu Aged About 33 Years
3. Chumman Lal Sahu S/o Anujram Sahu Aged About 32 Years

No. 1 to 3 are resident of Village Akola Tahsil Dhamdha, District- Durg, Chhattisgarh

4. Rajulal Sahu S/o Rambharosa Sahu Aged About 70 Years R/o Village Kodiya, Tahsil And District- Durg, Chhattisgarh
5. Tumanlal Sahu S/o Baldouram Sahu Aged About 25 Years
6. Nagesh Sahu S/o Poshanlal Sahu Aged About 25 Years
7. Chetan Sahu S/o Sukaluram Sahu Aged About 30 Years
8. Mahesh Sahu S/o Sukaluram Sahu Aged About 28 Years

No.5 to 8 are resident of Village Kodiya Tahsil And District- Durg, Chhattisgarh

9. The Station House Officer Police Station, Utai, District- Durg, Chhattisgarh

---- Respondents

For Petitioner : Shri B.P. Singh, Advocate

For Respondent/State : Shri Aditya Sharma, PL for the State.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****11/1/2019**

1. Heard.

2. The present petition is against the order dated 30.11.2018 passed in criminal revision No.209/2018 by the Third Additional Sessions Judge, Durg (C.G.).
3. Learned counsel for the petitioner submits that as per the petitioner he had made a complaint that while he was working with his son in the field on 20.01.2014 at that time the respondents came there and damaged their crop by running over a tractor and by braking over the fencing. He further submits that despite the report made the vehicle which was used for commission of the offence was not seized, therefore, the seizure of the tractor was required, however, when the application which was moved before the trial Court and the revisional Court, both the Courts below failed to appreciate the same.
4. Perusal of the order of the revisional Court would show that on 02.12.2015 the respondents were discharged from the offence under Section 341, 148 and 427 IPC, it appears that the petitioner has not filed any revision against the same and subsequently, the application was filed to seize the tractor which was too dismissed by order dated 28.04.2018. If the respondents have already discharged under Sections 341, 148 & 427 IPC which was the main genesis of the complaint and in absence of challenge to the same, the presumption cannot be drawn that the truck was used for committing the offence neither any reason has been assigned to disbelieve the same.
5. This petition has no merit. It is accordingly dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu