

HIGH COURT OF CHHATTISGARH, BILASPUR**WP (Cr.) No.71 of 2014**

Sunil Shukla son of Shri Ramakant Shukla, aged about 39 years, R/o. Village Kumhari, P.S. Kumhari, Civil and Revenue District Durg (CG)

---- Petitioner

Versus

1. State of Chhattisgarh, through Authorized Officer and Sub Divisional Officer (Forest) Rajnandgaon, Territorial Sub Division, Rajnandgaon, Civil and Revenue District Rajnandgaon (CG)
2. Jeevan Lal Sinha, Range Officer, Territorial Sub Division, Rajnandgaon, Civil and Revenue District Rajnandgaon (CG) (Now posted at Gurur)

---Respondents

For Petitioner	:	Mr.Uttam Pandey, Advocate
For State/Respondent No.1	:	Mr.Ravi Kumar Bhagat, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

02/04/2019

1. The petitioner's vehicle bearing registration No.CG-04 J-2383 was directed to be confiscated under Section 52 of the Indian Forest Act, 1927, which was affirmed by the authorized officer and also affirmed by the appellate authority, against which, revision was preferred by the petitioner before the Sixth Additional Sessions Judge, Durg. The Sixth Additional Sessions Judge, Durg by the impugned order dismissed the revision, against which, this writ petition has been preferred.
2. Mr.Uttam Pandey, learned counsel appearing for the petitioner, would submit that the Additional Sessions Judge has not considered any of his grounds which have been recorded in paragraph 3 of the impugned order and dismissed the revision only quoting the letter dated 29.11.2010, therefore, it deserves to be remitted to learned

Sixth Additional Sessions Judge for deciding the revision afresh in accordance with law.

3. On the other hand, Mr.Ravi Bhagat, learned Deputy Government Advocate for respondent No.1/State, would support the impugned order.
4. I have heard learned counsel for the parties and perused the impugned order and other documents appended with the writ petition.
5. It is true that the petitioner has raised as many as six legal grounds which have been catalogued in para-3 of the impugned order, but none of the grounds have been considered by the Additional Sessions Judge while dismissing the revision except quoting the letter dated 29.11.2010, which is not just and fair procedure for deciding the revision. Learned Additional Sessions Judge was obliged to decide the revision in accordance with law.
6. In view of above, the impugned order is set aside. Criminal Revision No.114/213 is restored to its original number. The Sixth Additional Sessions Judge, Durg is directed to hear and decide the revision afresh in accordance with law within 45 days from the date of receipt of copy of this order after hearing the parties.
7. The writ petition is allowed to the extent indicated hereinabove. No cost(s).

Sd/-

**(Sanjay K. Agrawal)
JUDGE**