

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.A. No. 397 of 2019

- Raghuvir Singh Verma S/o Shri Paltan Singh Verma Aged About 57 Years R/o Nayapara, Bemetara, Police Station And District Bemetara Chhattisgarh

---- Appellant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Bemetara, District Bemetara Chhattisgarh

---- Respondent

For Applicant – Mr. Lavkush Kumar Sahu, Advocate.
For Respondent/State – Mr. Rahim Ubwani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

11-04-2019

1. This appeal has been preferred under Section 454 Cr.P.C. praying for grant of custody of vehicle- motor cycle bearing registration No. CG 07 J 6813 to the appellant.
2. It is submitted that the trial Court has not passed any specific order for the disposal of this property under seizure and has passed this simple order that the property shall be disposed off according to the order of appellate Court in case any appeal is preferred. Therefore, it is prayed that the order of the trial Court on the point of disposal of property be set aside and the appellant be granted custody of the vehicle.
3. Per contra, the learned State counsel opposes grounds raised in the appeal and submits that as there is no specific order in the impugned judgment for disposal of the seized motor cycle, therefore, this appeal cannot be entertained.
4. I have heard the learned counsel for the parties and perused the record of the trial Court.
5. On perusal of the record of the trial Court, it is reflected that one motor cycle bearing registration No. CG 07 J 6813 was seized from the possession of the appellant. The paragraph 44 of the

impugned judgment mentions order of disposal of some of the properties made by the Court below but there is no specific mention regarding the seized motor vehicle in this case. Therefore, on this basis, it can be held that the Court below has omitted to pass any order of disposal regarding seized motor cycle. Hence, in this case there is no order of disposal of the motor cycle concerned. Therefore, without there being any order of disposal of seized motorcycle by the trial Court this appeal is not maintainable.

6. Accordingly, the appeal is disposed off with a direction to the Court below to consider on the application filed by the appellant under Section 452 Cr.P.C. and decided the same by passing proper order of disposal of the motor cycle as it is required under Section 452 Cr.P.C.
7. Record of this Court shall not be remitted back to the Court below. The counsel for appellant can file certified copy of the relevant documents for consideration on the application under Section 452 Cr.P.C.
8. Accordingly, the appeal is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge