

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.A. No. 441 of 2019

Tularam Sahu, S/o. Bhoko Sahu, Aged About 25 Years, R/o. Village Parsoda,
Post Onki, Dabha, District Bargarh Odisha.

---- Appellant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station
Saraipali, District Mahasamund Chhattisgarh.

-----Respondent

For Appellant	: Mr. Vikash Pradhan, Advocate
For Respondent/State	: Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

04/04/2019

1. This appeal under Section 454 of Cr.P.C. has been preferred against the impugned judgment dated 26.11.2018, passed in Special Criminal Case No.03/2018, by the learned Special Judge, Saraipali, District – Mahasamund (C.G.), whereby the learned trial Court has ordered for confiscating the seized car bearing registration No.C.G.-13-C-6711.
2. It is submitted by the learned counsel for the appellant that in paragraph No.23 of the impugned judgment, the Court below has

mentioned that the vehicle seized in the case, Swift Desire car bearing registration No.C.G.-13-C-6711 was sold by registered owner Ashwani Kumar Bhoi to appellant – Tularam Sahu by an agreement dated 23.09.2017, in his statement before the Court. It is further stated that as nobody has come forward to make a claim on the car seized, therefore, the car is subject to confiscation, in case no appeal is preferred.

3. It is submitted that on the basis of the above agreement in favour of the appellant, order be passed for granting custody of the vehicle to the appellant.
4. State counsel opposes the appeal and the submission made in this respect and submits that on the basis of the statement and the observation made by the Court below, it appears that there is no order of disposal on the basis of any claim made by any person, therefore, this needs an enquiry.
5. I have heard the learned counsel for the parties.
6. The order of disposal of the property passed by the Court below is conditional. The claim of this appellant has not been enquired by the Court below and had this claim been there before the Court below, the Court should have made observation and passed order accordingly, therefore, for this reason, the order regarding disposal of the seized property, mentioned in paragraph No.23 of the impugned judgment is set-aside and the

case is remanded back to the Court below to make an enquiry on the claim of the appellant and pass suitable order accordingly.

7. The appellant is directed to give appearance on 30th of April, 2019 before the concerned Court below.
8. Accordingly, the appeal is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge