

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 457 of 2019**

Ashwani Verma S/o Hemlal Verma, aged about 34 years, R/o Village Archedabari, Marutola, Police Station Khairagarh, District Rajnandgaon (C.G.).

----Applicant**Versus**

State of Chhattisgarh, Through Police Station Khairagarh, District Rajnandgaon (C.G.)

---- Respondent

For Applicant	:	Mr. C.K. Kesharwani, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****02/05/2019**

1. This revision has been filed against order dated 02/02/2019 passed in Special Case (NIA) No. 06/2018 by the Special Judge (NIA), Bilaspur, whereby the learned Special Judge has partly allowed the application of Supurdnama.
2. Facts of the case are that a charge-sheet has been filed against the Applicant and other co-accused persons namely Uttam @ Bodhi and Prahlad for the offence punishable under Section 8(3) (5) of the Chhattisgarh Vishesh Jan Suraksha Adhiniyam, 2005 and Sections 12, 21, 38 and 39 of the Vidhi Virudh Kriyakalap Nivaran Adhiniyam, 1967. During course of investigation, some property has been seized from the possession of the Applicant. After filing of the charge-sheet, the Applicant preferred an application for taking seized articles on Supurdnama and vide impugned order dated 02/02/2019, the Special

Court has partly allowed the application. The application of the Applicant with regard to motor-cycle bearing registration No. CG07/AC 6833 and the seized ornaments have been rejected on the ground that the Applicant has not submitted any registration certificate of the said vehicle and receipt of the ornaments which were seized from him. Thus, this revision.

3. Counsel for the Applicant submits that the register owner of the vehicle is one Rekhrum Sahu. The Applicant purchased the said vehicle from him on 11/03/2017, however, Namantaran was not done in his favour. The said vehicle has been seized from the possession of the Applicant and register owner of the said vehicle Rekhrum Sahu has executed a special power of attorney in favour of him for obtaining the said vehicle. With regard to seized ornaments, he submits that those ornaments have been seized from the possession of the Applicant and he is owner of the ornaments which were given to her grand daughter-in-law by his grand father in the form of gift. Since then those ornaments were being used by them, therefore, they are not having any document in this regard. He further submits that since the ornaments have been seized from the possession of the applicant, therefore, he is genuine owner of the said vehicle and the said ornaments, inspite of this fact, the Special Court rejected the application with regard to the ornaments as well as motor-cycle. He prays for releasing the said motor-cycle and articles on Supurdnama.
4. Learned counsel appearing on behalf of the State opposes the claim of the Applicant.

5. I have heard learned counsel for the parties and perused the material available on record.
6. Considering the fact that the Applicant had purchased the said vehicle from one Rekhrum Sahu and the seized ornaments are his ancestral property, and also taking note of the fact that no useful purpose would be served if the seized vehicle is allowed to get exposed in the extreme weather conditions at the police station. On the contrary, if the vehicle and the seized articles can be released to the Applicant subject to certain conditions he can use it so that the vehicle does not become junk after some time.
7. For the foregoing reasons, the impugned order rejecting the application for releasing the vehicle and seized ornaments on Supurdnama is not proper and the same is set-aside.
8. It is directed that the seized vehicle Hero Honda Passion bearing registration No. CG07 AC 6833 and the seized ornaments be released to the Applicant upon his furnishing a personal bond of Rs.2,00,000/- with one surety of the like amount to the satisfaction of the concerned Court below for return of the said vehicle and ornaments, if required at any point of time. In the bond he shall give an undertaking that he shall not change the ownership of the vehicle and ornaments nor shall he change colour of the vehicle neither shall he create a third party right or interest over the said vehicle and ornaments. He shall also undertake that he shall produce the vehicle and ornaments as and when required by the prosecution during course of investigation, trial and even at the appellate

state. He shall further undertake to produce the vehicle and ornaments to any competent authority under different statutes as and when required.

9. With the aforesaid observations, the Criminal Revision is allowed.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul