

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 535 of 2018

1. Hardeep Singh Bhatia S/o Shri Vavinder Singh Bhatia Aged About 38 Years R/o Jaiswal Bhavan, Lattipara, Kanker, District Kanker Chhattisgarh.
2. Smt. Harjinder Kour Bhatia, W/o Shri Hardeep Singh Bhatia Aged About 35 Years R/o Jaiswal Bhavan, Lattipara, Kanker, District Kanker Chhattisgarh. --- **Petitioners**

Versus

1. State of Chhattisgarh through Chief Secretary, New Mantralaya, Mahanadi Bhawan Village Rakhi New Raipur, District Raipur Chhattisgarh.
2. Additional Director General Of Police, State Economic Offence Investigation And Anti Corruption Bureau, Raipur District Raipur Chhattisgarh.
3. Superintendent of Police, Anti Corruption Bureau, Raipur District Raipur Chhattisgarh. --- **Respondents**

For Petitioners	:	Mr. Yogesh Pandey, Adv.
For State-Respondents	:	Mr. Ravi Bhagat, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12.03.2019

1. It is stated that a raid having been conducted by the ACB in the house of petitioner, certain documents were seized in connection with Crime No.9/2015. Subsequently it is stated that during investigation, it was found that no offence is made out under the Prevention of Corruption Act or under the IPC against the petitioner. The petitioner thereafter filed an application for return of goods/documents so seized during the raid before the trial Court. The trial Court refused the same on the ground that the documents are not part and

parcel of the charge sheet therefore they cannot be returned. Against such order, the petitioner has come up before this Court seeking a direction to return the goods which was seized from the present petitioners.

2. Learned counsel for the petitioner would submit that Crime No.9/2015 was registered under sections 109, 120-B, 420 IPC and section 11, 13(2) read with section 13(1)(d) of the Prevention of Corruption Act and final Report No.26/2015 was presented before the Court. It is stated that after due investigation, it was found that no evidence exists against the petitioner, therefore, the name of the petitioner was not found as accused in charge sheet. He further referred to document Annexure P-11 and would submit that before the court below, the ACB has given their 'no objection' to return the goods therefore the Court should have directed to return the documents so seized.
3. Learned State Counsel is not able to dispute the fact that a report dated 05.07.2018 (Annexure P-11) itself was signed by the Inspector of ACB namely S.D. Devstale. A perusal of the said report purports that the ACB has found that no offence is made out against the petitioner and as such the charge sheet was not filed. As per Annexure P-1 on 12.2.2015 as many as 16 documents were seized from the house of present petitioners. After the charge sheet was filed, the present petitioner was not an accused, therefore, the application was filed to return the document. The report of ACB Annexure P-11 would show that they have stated that the Department has

no objection if the goods are returned to the present petitioner.

4. Considering the fact that no charge sheet has been filed against the present petitioner and the ACB has further stated that no offence is found against him, it is directed that 16 documents which were seized from the present applicant on 12.2.2015 as per Annexur P-1 shall be returned to the present petitioner.
5. With the above observation, this petition stands disposed of.

**Sd/-
(GOUTAM BHADURI)
JUDGE**