

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1093 of 2018**

- Shefali Rai, aged about 24 years, D/o Prabhash Chandra Rai, R/o Modipara Shamleshwari Colony, P.S. Sambalpur, Distt. Sambalpur, Orissa.

---- Applicant**Versus**

- State of Chhattisgarh, Through District Magistrate, Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicant : Shri Ashutosh Trivedi, Advocate.

For the State/Respondent : Shri Priyanshu Gupta, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Judgment on Board****15/10/2019**

Heard.

1. Learned counsel for the petitioner submits that he has no instruction from the petitioner, therefore, he is unable to make any submission.
2. The petition has been filed under Section 397 r/w 401 of the Code of Criminal Procedure, 1973, challenging the order dated 9.7.2018 passed by the Special Court under NDPS Act, rejecting the application for grant of interim custody of the seized vehicle to the petitioner. The reason mentioned for dismissal of application is this, that appeal has been proposed with respect to the judgment of acquittal of this petitioner.

3. On perusal of the impugned order, it is found that the public prosecutor had made an statement before this Court that appeal is proposed against the judgment of acquittal of the petitioner and other co-accused persons, therefore, there is all likelihood that the appeal may have been filed before this Court.
4. After considering all the facts, circumstances and the documents present in this case, it is found that no comment can be made on the legality, propriety and correctness of the order passed by the Court below, therefore, the revision petition is dismissed at motion stage.

Sd/-

(Rajendra Chandra Singh Samant)

Judge