

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 1582 of 2019

Mahesh Rao Padal, S/o. Rajendra Padal, Aged About 22 Years, R/o. Tarka
Kota, Police Station Orkel, District Malkangiri (Orissa).

---- Applicant

Versus

State of Chhattisgarh, Through : the Station House Officer, Police Station Gol
Bazar, Civil and Revenue District Raipur Chhattisgarh.

-----Respondent

For Applicant	: Mr. Punit Ruparel, Advocate
For State	: Mr. Devendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/12/2019

1. This revision petition has been filed challenging the correctness, propriety and legality of the order dated 23.11.2019, passed in Special Criminal Case No.31/2019, by the learned Sessions Judge, Special Judge (NDPS) Act, Raipur rejecting the application filed by the applicant under Section 451 of Cr.P.C. for interim custody of the vehicle under seizure.
2. It is submitted that the learned Court below has erroneously rejected the application. It is submitted that the trial Court has held in the impugned order that the applicant is not the registered owner

of the vehicle, which is a erroneous order. Therefore, the impugned order be set-aside and the relief be granted to the applicant.

3. State counsel opposes the petition and grounds made in this respect.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Perused the impugned judgment and the copy of the registration certificate of the vehicle under seizure. The name of the applicant appears to be different in the name mentioned in this application, in the charge-sheet filed and in the copy of the registration certificate of the vehicle.
6. Therefore, an enquiry was required to be made, before coming to any conclusion, which has not been done by the learned Court below. Therefore, this petition is disposed off at this stage and the impugned order is set-aside and the learned Court below is directed to make an enquiry regarding the discrepancies in the names mentioned in the charge-sheet, RC book and pass order in accordance with the law.
7. Accordingly, the petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge