

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 393 of 2010

1. Smt. Anita Singh W/o Chandra Pratap Singh, Aged about 23 years, R/o Kedarpur, Ambikapur, Distt. Surguja (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through – Deputy Superintendent of Police, Anti Corruption Beuro Bilaspur, Distt. Bilaspur (C.G.)

---- Non-applicant

CRR No. 394 of 2010

1. Smt. Rita Singh W/o Rakesh Raman Singh, Aged about 52 years, R/o Kedarpur, Ambikapur, Distt. Surguja (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through – Deputy Superintendent of Police, Anti Corruption Beuro Bilaspur, Distt. Bilaspur (C.G.)

---- Non-applicant

CRR No. 395 of 2010

1. Smt. Sudha Singh W/o Ashish Kumar Singh, Aged about 27 years, R/o Kedarpur, Ambikapur, Distt. Surguja (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through – Deputy Superintendent of Police, Anti Corruption Beuro Bilaspur, Distt. Bilaspur (C.G.)

---- Non-applicant

CRR No. 396 of 2010

1. Krishna Pratap Singh S/o Shri Rakesh Raman Singh, Aged about 31 years, R/o Kedarpur, Ambikapur, Distt. Surguja (C.G.)
2. Smt. Neetu Singh W/o Krishna Pratap Singh, Aged about 28 years, R/o Kedarpur, Ambikapur, Distt. Surguja (C.G.)

---- Applicants

Versus

- State Of Chhattisgarh Through – Deputy Superintendent of Police, Anti Corruption Beuro Bilaspur, Distt. Bilaspur (C.G.)

---- Non-applicant

For Applicants – Shri Shakti Raj Sinha, Advocate.

For Non-applicant/State – Shri D.P. Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

22-09-2020

Heard.

1. All these revision petitions arise out of the same Crime number, therefore, they are being decided by this common order.
2. CRR No.393/2010, CRR No.394/2010, CRR No.395/2010 and CRR No.396/2010 have been filed against the order dated 01-06-2010 passed in M.CR.C. No.5/2010, M.CR.C.No.06/2010, MCR.C.No.07/2010 and M.CR.C. No.08/2010 respectively by the Special Judge, Ambikapur, District Surguja by which the applications filed under Section 457 of the Cr.P.C. by the applicants have been rejected.
3. On behalf of the applicants in all these criminal revisions it is submitted by learned counsel for the applicants, that in the raid conducted by the Anti Corruption Bureau Bilaspur in the house of accused Rakesh Raman Singh, the personal property belonging to these applicants had been seized. The property which has been mentioned in the applications filed before the Court below was personally acquired by these applicants, by purchase and also by way of Streedhan regarding which statement has been made on the affidavit. The applicants in all these criminal revisions have requirement for keeping the property in safe custody as the same is expensive. Learned Court below has erred in passing the order of rejection on the prayer made by the applicants under Section 457 of the Cr.P.C. Therefore, it is prayed that this Court may exercise the revisional jurisdiction and grant relief to the applicants.
4. Learned counsel for the State/non-applicant submits that all the property that are detailed in the different applications filed by the applicants before the Special Court are mentioned in the inventory and seizure memo of the criminal case, all these property has been recovered from the possession of accused Rakesh Raman Singh. The investigation in this case has been completed and charge sheet has been filed against the accused in the year 2018. Therefore, there is evidence present that the property under seizure belongs to the accused himself, hence, the Court below has not committed any error in

dismissing the applications filed by the applicants under Section 457 of the Cr.P.C. Therefore, all these revision petitions may be dismissed.

5. Heard learned counsel for the parties and perused the documents.

6. Considered the submissions and also on the facts of the case present in the case diary and narrated by the State counsel. The claim made by the applicants is being disputed by the respondent-State, therefore, claim of the applicants on the property mentioned in their application is needed to be established and that is possible only when the trial takes place. The statement of the applicants on affidavit regarding their entitlement is not sufficient as it appears to be a defence of the accused also and the same has to be substantiated in the trial itself. Hence, it is found that a prima facie case in favour of the applicants for entitlement of the property claimed by them is yet to be established. On the basis of these discussions made hereinabove, I am of this view that the Court below has not committed any error in dismissing the applications filed by the applicants under Section 457 of the Cr.P.C. Therefore, none of the criminal revisions has any merit. Accordingly, all these criminal revisions are dismissed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge