

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 392 of 2020

- Brijmohan Agrawal S/o Late Shri Kalicharan Agrawal, Aged About 69 Years, Occupation - Business and Agriculturist, R/o Danipara, Raigarh, Police Station Kotwali, Tehsil and District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through Collector/District Magistrate, Raigarh, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
2. State of Chhattisgarh, Through Station House Officer, City Kotwali Raigarh, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondents

For Petitioner – Shri Surfarj Khan, Advocate.

For State/Respondents – Shri D.P. Singh, Deputy Advocate General.

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

04-11-2020

1. This petition under article 227 of the Constitution of India has been brought being aggrieved by the order dated 10-07-2020 passed in Criminal Revision No.54/2020 by the Third Additional Sessions Judge Raigarh dismissing the revision petition and upholding the order of rejection of the application of the petitioner/applicant by the Court of Judicial Magistrate First Class Raigarh.
2. The petitioner had filed an application under Section 457 of the Cr.P.C. before the Court of JMFC praying that the documents seized during investigation in Crime No.408/2020 registered in Police Station City Kotwali Raigarh for offence under Section 384/34 and Section 4 of Karja Act are the documents related to his day to day business which may be given to him on interim custody. Learned Magistrate has rejected the application by order dated 02-07-2020. This order was challenged before the Sessions Court in Criminal Revision No.54/2020 and the same has been dismissed by the impugned order.
3. It is submitted by learned counsel for the petitioner that 125 documents have been seized from the petitioner. Most of these documents have no

relevance with the complaint that has been made against the petitioner. The Court of JMFC as well as the revisional Court both have not taken pains to minutely examine the documents that have been seized and their relevance with respect to the complaint made. Therefore, the Courts below have refused to exercise the jurisdiction available to them. It is prayed that this Court may pass appropriate orders.

4. Learned counsel for the respondents/State opposes the submission made by learned counsel for the petitioner and submits that investigation in the case is still pending, therefore, decision on the relevancy of the documents seized cannot be taken at this stage. No error has been committed by the Courts below. Hence, the present petition is without any substance which may be dismissed.

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

6. Considered on the submissions made by learned counsel from both the sides. It appears that it would be premature to make any comment on the documents which have been seized in the investigation by the police. The concerned documents seized in the investigation may find connection in the on going investigation from the statement of the witnesses which is yet to be recorded by the police agency. I do not find any substance in the prayer made by the petitioner's side at this stage. Therefore, this petition is dismissed and disposed off. However, the petitioner shall have liberty to file application praying for interim custody of the documents seized from him at any later stage of the investigation, when it would be possible for the Court to consider on the relevancy of the documents seized.

Sd/-

(Rajendra Chandra Singh Samant)
Judge