

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 1494 of 2017**

Satish Kumar Agrawal, S/o Shri Bajrang Lal Agrawal, aged about 50 years, Proprietor – M/s Prateek Sales Associates, R/o- 3B, Heavy Electrical Area, Hathkhoj, Bhilai, P.S. Bhilai -3, Tahsil and District – Durg (Chhattisgarh)

---- Applicant

Versus

1. State of Chhattisgarh, Through Station House Officer P.S. Bhilai-3, District Durg, (Chhattisgarh)
2. Anil Agrawal, S/o Shri Mohan Lal Agrawal, aged about 40 years, resident of Padum Nagar, Bhilai-3, P.S. Bhilai -3, District – Durg (C.G.)
3. Shri Bajrang Power and Ispat Limited, owned by – Rajendra Goyal, S/o Shri Hariram Goyal, resident of Ravi Nagar, Raipur

Through Power of attorney – Pramod Kumar Rai, S/o Shri Ravindra Nath Rai, aged about 48 years, Senior Manager, Company and lessening, address – Shri Bajrang Power and Ispat Limited, Gondwara, Raipur (C.G.) **(Revisionist)**

---- Respondents/Non-applicant

For Applicant : Mr. Avinash K. Mishra, Advocate.
 For Respondent No. 1 : Mr. Ravi Kumar Bhagat, Dy. Govt. Advocate.
 For Respondent No. 3 : Mr. Devershi Thakur, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

08/12/2020

(1) This petition under Section 482 of the Cr.P.C. has been preferred calling in question the legality, validity and correctness of the impugned order dated 28.09.2017 passed by Additional Sessions Judge, Durg, by which order of trial Magistrate dated 6.7.2017 granting interim custody in favour of the petitioner has been set aside and

the matter has been remanded to the trial Magistrate for hearing and disposal in accordance with law after affording due opportunity of hearing to the respondent No. 3 and to pass an order in accordance with law, against which instant petition under Section 482 of the Cr.P.C. has been preferred.

(2) I have heard learned counsel appearing for the parties and considered their rival submissions made hereinabove and went through the record with utmost circumspection.

(3) It is not in dispute that the petitioner is being prosecuted for offence punishable under Section 379 read with Section 34 of the Indian Penal Code pending before the jurisdictional Criminal Court i.e. Judicial Magistrate, First Class, Bhilai -3, District Durg, which is subject matter of Misc. Criminal Case No. 63/2017.

(4) After seizure of the iron rods, petitioner/accused made an application for grant of interim custody of the said iron rods, which was granted on 6.7.2017 by the trial Magistrate, against which respondent No. 3 - Shri Bajrang Power and Ispat Limited preferred revision before the revisional Court. By the impugned order, it has been remanded back to the trial Court for hearing afresh.

(5) Since this Court by order dated 31.10.2017 stayed the effect and operation of the order of revisional Court dated 28.09.2017 (Annexure P-1), therefore, custody of the iron rods is with the petitioner at present.

(6) Since the petitioner is in custody for the said iron rods for a period of four years by the interim order dated 31.10.2017 passed by this Court and the trial is pending consideration, it would be expedient to direct the concerned criminal Court i.e. Judicial

Magistrate, First Class, Bhilai -3 to dispose of the criminal trial within a period of six months from the date of receipt of certified copy of this order.

(7) Accordingly, it is directed that the trial Magistrate would do well to consider and dispose of the criminal trial on or before 30th June, 2021 and submit the compliance report to the Registry of this Court.

(8) It is made clear that interim custody granted to the petitioner by the order of Criminal Court shall be subject to order of that Criminal Court ultimately to be passed in the final hearing.

(9) Order dated 31.10.2017 passed by this Court shall continue till 30th June, 2021.

(10) With the aforesaid directions & observations, the Cr.M.P. stands finally disposed of.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

