

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M-54151-2019
Decided on : 07.08.2020**

Irfan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Arjun Atri, Advocate, for the petitioner.

Ms.Tanushree Gupta, DAG, Haryana.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Challenge in the present petition, filed under Section 482 Cr.P.C.,
is to the orders dated 08.02.2019 (Annexure P-4) passed by the CJM, Mewat
and dated 06.05.2019 (Annexure P-5) passed by the Addl.Sessions Judge,
Mewat.

Vide the said orders, the claim of the petitioner for releasing
vehicle No.HR-74-A-8336 has been declined. The Courts below have refused
to interfere on account of the fact that there is an appeal provided before the
Deputy Commissioner under Section 17(5) of the Haryana Gauvansh
Sanrakshan & Gausamvardhan Act, 2015.

Admittedly, there is an order of the SDM dated 07.02.2019
(Annexure R-2), vide which the vehicle has been seized, on a request which
had been made by the police authorities on 01.02.2019.

Counsel for the petitioner submits that he does not wish to press
the present petition and prays that the same may be disposed of, with liberty to
approach the Appellate Authority for redressal of his grievance.

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Keeping in view the fact that the trial is going on, this Court is of the opinion that the petitioner is entitled for the decision of the said appeal on merits since Section 17(5) of the Act provides that the appeal has to be filed within a period of 30 days from the date of such order. The order of the S.D.M. had been passed a day prior to the application being decided by the Trial Court. The charges were framed on 06.08.2019 and trial is fixed for 09.11.2020.

Accordingly, the present petition is disposed of, with a direction to the Deputy Commissioner, Mewat that in case the appeal is filed within 10 days from today, he shall decide the same on merits within 4 weeks thereafter.

With the above-said directions, the present petition stands disposed of.

AUGUST 07, 2020
sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No