

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 94 of 2021**

Smt. Shanti Devi wife of Agarsai, aged about 50 years, resident of Ward No. 11 Mandir Dafai, Police Station- Chirmiri, District- Korea (C.G.).

---- Petitioner

Versus

State of Chhattisgarh, through : Station House Officer, Police Station- Jhagrakhand, District- Korea (C.G.)

----Respondent

For Petitioner	: Mr. Aman Yadav, Advocate on behalf of Mr. B. P. Singh, Advocate.
For Respondent /State	: Mr. Udhaw Sharma, G. A.

Hon'ble Shri Justice Narendra Kumar Vyas J.**Order On Board****17/09/2021**

(1) The petitioner has filed present CRMP challenging the order dated 30.12.2019 passed by the District Magistrate, Koriya in Case No. 32/ब-121/2019-20 whereby application preferred by the petitioner for interim supurdnama of seized Scorpio vehicle bearing registration No. C.G.-16-C.J.-1065 has been rejected and process for confiscation is still pending for more than one year and 9 months. The confiscation proceeding has been initiated for the confiscation of the vehicle as it has been alleged that vehicle bearing registration No. C.G.-16-CJ-1065 has been involved in commission of offence punishable under Section 34(2) of the Excise Act.

(2) Learned counsel for the petitioner would submit that the proceeding for confiscation is pending before the learned District Magistrate, Koriya for more than one year and 9 months which is causing damage to the vehicle and

huge financial burden to the petitioner. The proceeding for confiscation is pending before the learned District Magistrate and more than one year and 9 months have already been lapsed, but no final order is passed, therefore, the petitioner has filed present CRMP challenging the order dated 30.12.2019 passed by District Magistrate, Koria in case No. 32/ब-121/2019-20 before this Court.

(3) Learned Government Advocate has informed before this Court that proceeding for confiscation is pending and now the same is fixed on 23.09.2021 i.e. after a week.

(4) In view of the above, learned District Magistrate Koriya is directed to consider/decide the confiscation proceeding pending before it within an outer limit of one month from the date of receipt of certified copy of this order. It is also directed that the District Magistrate/Collector Koria will decide the confiscation proceeding without being influenced from any observation made by the learned Judicial Magistrate First Class, Manendragarh, District- Koriya in case No. 236/2019 by which the application filed by the petitioner for releasing the vehicle on interim supurdnama has been rejected.

(4) With the aforesaid observations and direction, the instant Cr.M.P. stands disposed of.

Sd/-

(Narendra Kumar Vyas)
Judge