

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
CRMP No. 431 of 2021

- Ramesh Jamdolia Son of Saltu Aged About 23 Years R/o Sweeper Para, Sarangarh, District- Raigarh Chhattisgarh.

---- **Petitioner****Versus**

- State of Chhattisgarh Through The District Magistrate, District- Raigarh Chhattisgarh.

---- **Respondent**

For Petitioner	:	Shri Ashish Gupta, Advocate.
For Respondents-State	:	Shri Rakesh Sahu, Deputy Government Advocate

Hon'ble Shri Justice Narendra Kumar Vyas, Judge
Judgment on Board

Per Narendra Kumar Vyas, Judge

09.06.2021

1. The learned counsel for the Petitioner would submit that as per Section 34(2) and 59-A of the Chhattisgarh Excise Act, the Collector is the competent authority and the learned Sessions Judge, Raigarh while rejecting Criminal Revision No. 4/2021 has also taken note of the fact that the proceedings before the Collector for confiscation of the vehicle has been initiated and prays that he may be granted permission to withdraw the present CRMP No. 421 of 2021 and in case any notice to the petitioner is initiated by the Collector, Raigarh he may be given an opportunity to withdraw the case for release of the vehicle.

2. The learned counsel for the Petitioner is at liberty to move an application for Supurdnama of the vehicle before the Collector, Raigarh within 10 days from the date of the receipt of the copy of the order and concerned authority shall consider the application in the light of the decision rendered by the Hon'ble Supreme Court in the matter of ***Sunderbhai Ambalal Desai vs State of Gujarat*** reported in **(2002) 10 SCC 283** expeditiously without being prejudiced by rejection of the application by the trial Magistrate and the Revisional Court

3. With the aforesaid liberty granted in favour of the Petitioner, the petition is dismissed as withdrawn.

Sd/-

(Narendra Kumar Vyas)
Judge

Hem