

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 559 of 2021

- Deepak Patel, S/o Salik Ram Patel, Aged About 21 Years R/o Chandi Chowk, Takhatpur, District Bilaspur Chhattisgarh.,

---- Petitioner

Versus

- State Of Chhattisgarh, Through - Station House Officer, Police Station Takhatpur District Bilaspur Chhattisgarh.,

---- Respondent

For Petitioner : Mr. Govind Prasadd Dewangan,. Advocate
For State : Mr. Sudeep Verma, Dy. Govt. Advocate

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

05-08-2021

1. The petitioner has filed the present petition under Section 482 of the Cr.P.C, challenging the order dated 8-3-2021 passed by the respondent No.3 i.e., competent authorized officer/Sub Divisional Officer (Forest), Forest Sub Division – Dharamjaigarh, District Raigarh whereby the application for releasing the Tractor and Trolley on Supurdnama has been rejected on the ground that there is no any application pending for releasing the vehicle of the petitioner on Supurdnama.
2. The facts of the case in brief, is that the petitioner is an owner of the tractor bearing registration of CG 13 UH 0251 and Trolley No. CG 13-A 3251. On 6-2-2018 a secret information was received by the respondent No.4 from the informant that the aforesaid tractor and trolley were being used for illegal transportation of coal then the respondent No.4 along with the other officers rushed on the spot and it was found that the tractor was attached with trolley and trolley was loaded with coal. Thereafter the said vehicle was seized by the forest officer and registered the case under the Forest Act bearing registration No. 13984/2015 on 7-2-2018. Thereafter, show cause notice was

issued on 20-4-2018 to the petitioner and called for his reply regarding illegal transportation of coal. Thereafter, the petitioner submitted his reply denying the allegation made against him and also filed an application on 5-5-2018 for grant of supurdnama of the tractor and trolley.

3. From perusal of the documents it is clear that the First Additional Sessions Judge, Bilaspur vide its order dated 15-11-2019 allowed the Criminal Revision No. 138 of 2019 (Teekaram s/o. Salikram vs. District Magistrate and others) filed by the petitioner and directed the competent authority to decide the application dated 5-5-2018 submitted by the petitioner for release of the vehicle on Supurdnama, in accordance with law. Thereafter, the petitioner has filed CRMP No. 155 of 2020 before this court and this court has granted liberty to the petitioner to file an application for taking custody of the vehicle on Supurdnama and further directed the competent authority to dispose of the application strictly in accordance with law. Thereafter, the petitioner has filed the present CRMP No. 559 of 2021 and prayed for following reliefs.

“This Hon'ble Court may kindly be pleased to set aside the impugned order dated 8-3-2021 passed/issued by the respondent No.3 i.e., Competent Authorized Officer/Sub Divisional Officer (Forest), Forest Sub Division Dharamjaigarh, District Raigarh (CG) and pleased to give/handover the tractor bearing registration No. CG 13 UH 0251 and Trolley No. CG 13-A 3251 to the petitioner on Supurdnama and kindly be pleased to call for the records of the case from the possession of the respondents, in the interest of justice”.

4. This court vide its order dated 21-6-2021 directed the State counsel to file their return who in turn filed their return in which they have clearly mentioned in para 7 which reads as under:

“This confusion is bonafide and inadvertent and the competent authority i.e., respondent No.3 respectfully submits that he is ready to decide the application dated 5-5-2018 for temporary release of vehicle strictly as per the law as directed by the learned Sessions Court”.

5. Learned State counsel would submit that the competent authority will release the vehicle of the petitioner while deciding the application dated 5-5-2018 filed by the petitioner.
6. Considering the facts and circumstances of the case and in view of the aforesaid submission made by learned State Counsel, it is directed that the competent authority shall decide the application dated 5-5-2018 filed the petitioner and release his vehicle on Supurdnama, in accordance with law, within two months from the date of receipt of a copy of this order.
7. With the aforesaid observations and directions, the instant petition is disposed of.

Sd/-

(Narendra Kumar Vyas)
Judge

Raju

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 802 of 2021

Tikaram, S/o Salikram Rathiya, Aged About 33 Years, R/o Village Balpeda, Tahsil & Police Station- Dharamjaigarh, District- Raigarh (C.G.)

--- Petitioner

Versus

1. State of Chhattisgarh, through Collector, District- Bilaspur (C.G.)
2. Appellate Authority/ Chief Conservator of Forest, Circle Bilaspur, District- Bilaspur (C.G.)
3. Competent Authorized Officer/ Sub Divisional Officer (Forest), Forest Sub Division Dharamjaigarh, District- Raigarh (C.G.)
4. Forest Range Officer, Range- Boro, Tahsil Dharamjaigarh, District- Raigarh (C.G.)

--- Respondents

For Petitioner	:	Mr. Govind Prasad Dewangan, Advocate.
For State	:	Mr. Sudeep Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

12/08/2021

1. Today the case is listed under office reference for correcting the cause title in the order dated 05.08.2021 passed by this Court in CRMP No. 559 of 2021 (Tikaram Vs. State of Chhattisgarh & others).
2. Perused the order dated 05.08.2021 passed by this Court in CRMP No. 559 of 2021 wherein it is found that in place of parties names of CRMP No. 559 of 2021, parties names of CRA No. 559 of 2021, have wrongly been typed.

3. Accordingly, it is directed that in the order dated 05.08.2021 passed by this Court in CRMP No. 559 of 2021, the following be read as parties names of CRMP No. 559 of 2021 in the cause title:-

“CRMP No. 559 of 2021

Tikaram, S/o Salikram Rathiya, Aged About 33 Years, R/o Village Balpeda, Tahsil & Police Station- Dharamjaigarh, District- Raigarh (C.G.)

--- Petitioner

Versus

1. State of Chhattisgarh, through Collector, District- Bilaspur (C.G.)
2. Appellate Authority/ Chief Conservator of Forest, Circle Bilaspur, District- Bilaspur (C.G.)
3. Competent Authorized Officer/ Sub Divisional Officer (Forest), Forest Sub Division Dharamjaigarh, District- Raigarh (C.G.)
4. Forest Range Officer, Range- Boro, Tahsil Dharamjaigarh, District- Raigarh (C.G.)

--- Respondents”

4. Rest of the order dated 05.08.2021 passed by this Court in CRMP No. 559 of 2021 shall remain intact.
5. In view of the above, the instant CRMP (office reference) stands disposed of.
6. A copy of this order be kept in the order dated 05.08.2021 passed in CRMP No. 559 of 2021.

**Sd/-
(Narendra Kumar Vyas)
Judge**