

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.1237 of 2020**

Babulal Sharma, Aged 36 yrs, S/o Choruram Sharma, R/o Dixit Apartment, House No.505, Devendra Nagar, PS Devendra Nagar, Raipur, Tahsil and Distt. Raipur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, through District Magistrate (Collector), Raipur (C.G.)
2. Station House Officer, PS Devendra Nagar, Raipur, Distt. Raipur (C.G.)

---- Respondents

For Petitioner: Mr. L.K. Mishra, Advocate.

For Respondents/State: -

Mr. Ravi Kumar Bhagat, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

05/02/2021

1. Heard.
2. This petition under Section 482 of the CrPC is directed against the impugned order dated 15-9-2020 passed by the 2nd Additional Sessions Judge, Raipur in Criminal Revision No.216/2020, by which the petitioner's revision petition has been dismissed affirming the order of the learned trial Magistrate rejecting the application under Section 457 of the CrPC.
3. Learned counsel for the petitioner submits that the petitioner's case has not been considered liberally by the trial Magistrate in the light of the decision rendered by the Supreme Court in the matter of **Sunderbhai Ambalal Desai v. State of Gujarat**¹.

4. Learned State counsel opposes the petition.
5. The Supreme Court in Sunderbhai Ambalal Desai (supra), in paragraph 11, has made direction with regard to valuable articles and currency notes which reads as follows: -

“11. With regard to valuable articles, such as, golden or silver ornaments or articles studded with precious stones, it is submitted that it is of no use to keep such articles in police custody for years till the trial is over. In our view, this submission requires to be accepted. In such cases, the Magistrate should pass appropriate orders as contemplated under Section 451 CrPC at the earliest.”

6. In view of that, both the impugned orders are set aside and the matter is remitted to the trial Magistrate for considering the matter afresh and pass order in accordance with law, in the light of the decision of the Supreme Court in Sunderbhai Ambalal Desai (supra) and in view of the provisions contained in Section 457 of the CrPC within 30 days from the date of receipt of a copy of this order. The petitioner is at liberty to produce additional material and additional documents, if any, in support of his case.
7. It is made clear that this Court has not expressed any opinion on the merits of the matter.
8. The petition stands finally disposed off.

Sd/-
(Sanjay K. Agrawal)
Judge