

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1699 of 2023

Arising Out of PS. Case No.-302 Year-2022 Thana- CHAKIA District- East Champaran

Ramvachan Sahni Son of Late Jhagru Sahni R/o vill - Shahnawaz Pur, P.S. -
Taraiya, Distt. - Saran

... .. Petitioner/s

Versus

1. The State of Bihar through the District Collector, East Champaran at Motihar Bihar
2. The Superintendent of Police, East Champaran at Motihari Bihar
3. The Dy. S.P. Chakia, East Champaran at Motihari Bihar
4. The Circle Inspector of Police, Chakia, East Champaran at Motihari Bihar
5. The Officer in Charge of Chakia Police Station, East Champaran Bihar
6. The Investigating Officer of Chakia P.S. Case No. 302 of 2022 East Champaran at Motihari Bihar
7. The Mining Development Officer, East Champaran at Motihari Bihar
8. The District Transport Officer, East Champaran at Motihari Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Shankar Shrivastava, Adv.
For the State	:	Mr. Gyan Prakash Ojha, G.A.-7
For the Mines	:	Mr. Naresh Dikshit, Adv., Ms. Kalpana, Adv.

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 05-04-2024 Heard learned Advocate for the petitioner as well as
learned APP for the State.

2. In the instant writ petition a J.C.B. of the petitioner was seized by the Officer of the Mines Department on the allegation that the said J.C.B. was used for illegal extraction of sand. The case was registered against the petitioner being Chakia P.S. Case No. 302 of 2022.

3. In the said case the petitioner filed an application under Section 451 of the Cr.P.C. praying for return of the J.C.B.



The said application was rejected by the learned Judicial Magistrate, Ist Class, Motihari.

4. Against the said order, the petitioner filed a criminal revision before the learned Sessions Judge, which was registered as Criminal Revision No 125 of 2023. The said revision was also rejected. Against the judicial order of rejection of Criminal Revision No. 125 of 2023, vide order dated 15th July, 2023, the petitioner has approached this Court under Article 226 of the Constitution of India praying for issuance of writ in the nature of certiorari.

5. In my view, the instant writ petition is not maintainable because of the fact that against a judicial order the petitioner's remedy lies by filing appropriate application under the provision of Section 482 of the Cr.P.C.

6. Accordingly, the instant writ petition is dismissed being not maintainable.

7. However, the petitioner is at liberty to convert the instant writ petition into an application under Section 482 of the Cr.P.C. after amending the reliefs in accordance with law.

(Bibek Chaudhuri, J)

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