

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.221 of 2025

Arising Out of PS. Case No.-32 Year-2024 Thana- CHANDI District- Bhojpur

=====

Mirtunjay Nath Pandey, Son of Krishna Pandey, Resident of Asahani, P.S.-
Rasulpur, Distt.- Saran, Bihar-841204

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sachin Kumar, Advocate
		Mr. Navneet Dubey, Advocate
For the Respondent/s	:	Mr. Parmanand Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 15-04-2025 The instant criminal revision is directed against the order dated 05th June 2024 passed by the learned Chief Judicial Magistrate, In-Charge, in connection with Chandi P.S. Case No. 32 of 2024 under Sections 337/338/304B of the IPC, whereby and whereunder the learned Magistrate held that he would consider the release of the vehicle seized by police in connection with the above-mentioned P.S. Case only after the petitioner will comply payment of compensation as per the relevant rules contained in the Bihar Motor Vehicles (Amendment-1) Rules, 2021. It is specially observed by the learned Magistrate that at the time of the accident, the vehicle was not insured; therefore, he was anxious as to whether the



family members of the deceased would get interim as well as final compensation.

2. This Court duly considered the submissions made by the learned counsels for the petitioner and the State respondents. Rule 225B of the Bihar Motor Vehicles (Amendment-1) Rules, 2021 prescribed the authority fund and procedure for payment of interim compensation to grievously hurt persons or dependents of the dead person due to a motor vehicle accident. Sub-Rule (3) of Rule 225B states the detailed process of interim compensation payment. The M.V. Claims Tribunal is solely empowered to decide the quantum of interim compensation and payment of the same in favor of the dependent family members of the deceased.

3. In the instant case, the petitioner filed an application under Section 451 of the CrPC that empowers the learned Magistrate to pass an order for custody and disposal of property pending trial in certain cases, viz., if the property is subject to speedy and natural decay or if it is otherwise expedient so to do. While considering an application under Section 451 of the CrPC, it is not within the jurisdiction of the learned Magistrate to consider as to whether any order of compensation was passed by a quasi-judicial authority, viz., the



M.V. Claims Tribunal, and keep the application pending for disposal.

4. The impugned order suffers from material irregularity on this aspect. The learned Magistrate could have passed any order binding the petitioner so that the dependent family members might not be deprived of receiving interim compensation to be decided by the Claims Tribunal.

5. For the reasons stated above, this Court is of the view that the learned Chief Judicial Magistrate, In-charge, Bhojpur at Ara committed illegality in passing such an order, as the said order was not passed under the correct proposition of law. Therefore, the impugned order is set aside.

6. The seized vehicle be returned in favour of the petitioner on his depositing a sum of Rs. 1,500,000/- (fifteen lakhs only) in a fixed deposit in an interest-bearing nationalized bank in the name of the Court and on filing a bond of Rs. 500,000/- (five lakhs only) with the further condition that the petitioner shall not change the nature, character, and color of the truck in question and/or create any third-party interest by way of alienation of the said truck till the disposal of Chandi P.S. Case No. 32 of 2024.



7. With the above order, the instant criminal revision
is disposed of.

(Bibek Chaudhuri, J)

Suraj Dubey/-

U		T	
---	--	---	--

