IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 2730 of 2026

Rajibul Shekh @ Rajiv, aged about 48 years, son of Abul Kashim Shekh, resident of Prithvinagar, P.O. & P.S.-Pakur, Dist.-Pakur

.... Petitioner

Versus

The State of Jharkhand

…. Opp. Party

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

…..

For the Petitioner : Mrs. Jasvindar Mazumdar, Advocate
: Mr. Rohan Mazumdar, Advocate
: Mr. Aniket Jaiswal, Advocate
For the State : Mr. Pankaj Kumar, P.P.

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By the Court:-

1. Heard the parties.

2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 528 of B.N.S.S., 2023 with the prayer to quash the order dated 27.05.2026 passed by the learned Additional Sessions Judge-IV, Dhanbad in connection with M.C.A. No. 3492 of 2025 in Sessions Trial No. 508 of 2025 arising out of Govindpur P.S. Case No. 283 of 2025, corresponding to G.R. No. 2757 of 2025, whereby and where under, the learned Additional Sessions Judge-IV, Dhanbad has rejected the prayer of the petitioner for release of Rs.10,05,000/- seized from the petitioner towards the value of the stolen truck sold by him which originally

belongs to the informant of the case and to release the mobile phone seized from the petitioner.

3. The learned Additional Sessions Judge-IV, Dhanbad considered that since the truck of the informant has been stolen, the appropriate order shall be passed regarding the ownership of the money and mobile phone and directed the money to be kept in the government treasury.

4. It is submitted by the learned counsel for the petitioner that the I.O. has stated that he has no objection if appropriate orders regarding release of the seized property is made. It is next submitted by the learned counsel for the petitioner that the cash and mobile phone was recovered from the possession of the petitioner which indicates that he is the owner. It is further submitted by the learned counsel for the petitioner that the money seized is not the proceeds of the sale of the stolen property rather the same has been received as advance amount by the wife of the petitioner for entering into an agreement for sale, the ownership of which is upon the petitioner. Hence, it is submitted that the prayer as prayed for by the petitioner in this criminal miscellaneous petition be allowed.

5. Learned Public Prosecutor on the other hand vehemently opposes the prayer and submits that the owner of the property is entitled to its delivery and since

during the investigation of the case, it was found that the petitioner has sold the truck belonging to the informant so, the informant being the owner of the property is entitled to get Rs.10,05,000/-. It is next submitted by learned Public Prosecutor that since the document introduced by the petitioner to show the ownership of the seized cash did not inspire confidence; as there was no rhyme or reason for the wife of the petitioner to enter into an agreement for sale with someone as the property does not belong to her rather the property belongs to the petitioner so, no illegality has been committed by the learned Additional Sessions Judge-IV, Dhanbad in rejecting the prayer for release of cash and mobile phone. Hence, it is submitted that this criminal miscellaneous petition being without any merit be dismissed.

6. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, this Court finds that during the course of investigation, it was pointed out that the petitioner sold the property which belong to the informant being the truck and realized Rs.10,05,000/-. The explanation furnished by the petitioner regarding the source of the said Rs.10,05,000/- being the money which was received as advance by the wife of the petitioner did not find favour with the learned Additional Sessions Judge-IV,

Dhanbad because there is no rhyme or reason for the wife of the petitioner to enter into an agreement for sale in respect of the property which does not belong to the wife of the petitioner rather the same belong to the petitioner.

7. It is a settled principle of law that the owner of a property is entitled to its delivery and if the property is lost and not traceable while in course of custody, the owner therefore is entitled to its value as has been held by the Hon'ble Supreme Court of India in the case of **Inter Continental Agencies Pvt. Ltd. vs. Amin Chand Khanna & Anr.** reported in **AIR 1980 SC 951**.

8. Now since *prima facie* it appears that the petitioner came in possession of the cash of Rs.10,05,000/- by selling the truck which actually belong to the informant so obviously it is the informant who is entitled to the said money. Moreover, the doubt was raised by the learned Additional Sessions Judge-IV, Dhanbad in not accepting the document; being the agreement for sale entered into by the wife of the petitioner in respect of the property which does not belong to the wife of the petitioner rather the same belong to the petitioner is a reasonable doubt. There is no material to suggest that the petitioner was the owner of the mobile handset recovered. So, under such circumstances, this Court do not find any illegality in the impugned order dated 27.05.2026 passed by the learned

Additional Sessions Judge-IV, Dhanbad in connection with M.C.A. No. 3492 of 2025 in Sessions Trial No. 508 of 2025 arising out of Govindpur P.S. Case No. 283 of 2025, corresponding to G.R. No. 2757 of 2025 warranting interference of this Court in exercise of the power under Section 528 of B.N.S.S., 2023.

9. Accordingly, this criminal miscellaneous petition being without any merit is dismissed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 10th September, 2026
AFR/Gunjan/-

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