HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 2253 of 2020

Prashant Tiwari

.....Revisionist(s)

Versus

State Of U.P. And Another

.....Opposite Party(s)

Counsel for Revisionist(s) : Brijesh Kumar Mishra, Diwakar Tiwari, Rajjan Kumar, Sandeep Kumar Sharma

Counsel for Opposite Party(s) : G.A., Rajesh Kumar Pandey

Court No. - 86

HON'BLE JAI KRISHNA UPADHYAY, J.

1. This criminal revision has been preferred against order dated 14.10.2020 passed by Judicial Magistrate Ist, Jaunpur in Case No. 4634 of 2020, arising out of Case Crime No. 274 of 2019, under Section 307, 419, 420, 325, 427, 34 IPC, P.S. Sujanganj, District Jaunpur whereby release application for vehicle no. MH 03 BJ - 4284 has been rejected.

2. Heard Shri Brijesh Kumar Mishra, learned counsel for the revisionist, Shri Ashish Kumar Shukla, Advocate holding brief for Shri Rajesh Kumar Pandey, learned counsel for the opposite party no.2 as well as the learned AGA for the State and perused the record.

3. Learned counsel for the revisionist submitted that the informant had lodged an FIR against the revisionist and four others on 6.11.2019 under Sections 147, 323, 504, 506, 352, 427, 325, 307 IPC at P.S. Sujan Ganj, District Jaunpur. It has also been alleged that the revisionist and some others reached the place of occurrence by the aforesaid vehicle and committed the crime. After

investigation charge sheet was submitted and the concerned Court took cognizance in the matter and thereafter trial commenced. It is also submitted that during trial on the basis of compromise entered into between the parties, the proceedings of the said case have been quashed by this Court vide order dated 25.5.2026 passed in Application U/S 528 No. 45826 of 2025 against the revisionist but the vehicle has not been released and the application moved in this regard has been rejected. Referring to aforesaid facts it is submitted that detention of the vehicle for a long time at the police station is likely to diminish its value and ultimately the vehicle may become junk.

4. Placing reliance on the decision of the Hon'ble Apex Court in **Sunderbhai Ambalal Desai Vs. State of Gujarat, 2003 (1) JIC 615 (SC)**, it is submitted that the Apex Court has held that "In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles." It is lastly submitted that revisionist is willing to fulfill all conditions imposed upon him for release of the vehicle in question.

5. On the other hand, leaned AGA and learned counsel for the opposite party no.2 opposed the prayer. It is submitted that the trial court while rejecting the release application has not committed any illegality. Impugned order does not suffer from any infirmity or illegality warranting interference by this Court. However, they could not dispute this fact that the criminal proceedings initiated

against the revisionist pursuant to the aforesaid FIR have been quashed by this Court.

6. I have considered rival submissions made by the learned counsel for the parties and have gone through the entire record carefully.

7. From a perusal of the record, it is evident that the revisionist is the owner of the vehicle in question. The Court concerned was not justified in rejecting the application for release of the vehicle in question in favour of its registered owner. By passage of time, the vehicle is likely to become junk which would serve no fruitful purpose. In these circumstances, the criminal revision deserves to be allowed and the impugned order is liable to be set-aside.

8. Accordingly, the Criminal Revision is **allowed**. The impugned order dated 14.10.2020 passed by Judicial Magistrate Ist, Jaunpur in Case No. 4634 of 2020, arising out of Case Crime No. 274 of 2019, under Section 307, 419, 420, 325, 427, 34 IPC, P.S. Sujanganj, District Jaunpur is set-aside. The concerned Magistrate is directed to release the aforesaid vehicle in favour of its registered owner on furnishing adequate security to his satisfaction by imposing reasonable conditions, if required, upon the revisionist.

October 28, 2026
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(Jai Krishna Upadhyay,J.)

Digitally signed by :-
MAHBOOB SAFI
High Court of Judicature at Allahabad