
(2018) 04 CHH CK 0354
In the Chhattisgarh High Court
Case No : Criminal Revision No.201 of 2018

Smt. Sangeeta Tiwari

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 27-04-2018

Acts Referred:

Code of Criminal Procedure, 1973 — Section 451

Citation : (2018) 04 CHH CK 0354

Hon'ble Judges : ARVIND SINGH CHANDEL, J

Bench : Single Bench

Advocate : Vikas A. Shrivastava, Neeraj Sharma

Final Decision : Allowed

Judgement

1. The revision is listed for hearing on admission. With the consent of Learned Counsel appearing for the parties, it is heard and decided finally.

2. The revision has been preferred against the order dated 1.2.2018 passed by the Special Judge under the Narcotic Drugs and Psychotropic

Substances Act, Jagdalpur in Special Sessions Trial No.47 of 2017 rejecting the application moved by the Applicant under Section 451 of the Code of

Criminal Procedure for release of her vehicle on supurdnama.

3. Facts of the case, in brief, are that on 5.8.2017, one vehicle Tata Safari bearing registration No.CG 04 DU 4044 was stopped and searched by

police officials of Police Station Kotwali. 22.450 Kgs. of Ganja was recovered from the accused persons. The vehicle was also seized. The present

Applicant is the registered owner of the said vehicle. She preferred an application under Section 451 of the Code of Criminal Procedure for release of

the vehicle in her favour on supurdnama. The said application has been rejected by the impugned order dated 1.2.2018. Hence, this revision.

4. Learned Counsel appearing for the Applicant submits that the Applicant is the registered owner of the vehicle in question. Ganja was not seized

from the possession of the present Applicant. The vehicle is kept in an open place in the police station since 5.8.2017. Engine of the vehicle is likely to

become out of order. No proceeding for confiscation of the vehicle is pending.

5. Per contra, Learned Counsel appearing for the State/Respondent supports the impugned order.

6. I have heard Learned Counsel appearing for the parties and perused the material available with due care.

7. Considering the facts and circumstances of the case, particularly that the vehicle is kept in an open place of the police station since 5.8.2017, no

proceeding relating to confiscation of the vehicle is pending and value of the vehicle may be depreciated on its remaining kept unused for long, I am

inclined to allow the present revision and release the vehicle on supurdnama.

8. Accordingly, the revision is allowed. The vehicle Tata Safari bearing registration No.CG 04 DU 4044 be released in favour of the Applicant on a

supurdnama on furnishing a surety in the sum of Rupees Ten Lakhs to the satisfaction of the concerned Trial Court with the following conditions that

during pendency of the trialâ?

(i) no third party transfer of the vehicle shall be done by the Applicant,

(ii) paint and look/design of the vehicle shall not be changed and

(iii) whenever order for submission of the vehicle is issued, the same shall be complied with on time.