

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Revision No. 863 of 2006

Uma Charan Gorai Petitioner

Versus

The State of Jharkhand Opposite Party

CORAM : HON'BLE MRS. JUSTICE JAYA ROY

For the Petitioner : Mr. Dr. S.K. Chaturvedi, Advocate

For the State : A. P. P.

05/28.02.2013

Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner has filed this application against the order dated 13.09.2006 for release of the materials seized in the case of G.R. No. 643 of 2002.

Learned counsel for the petitioner has submitted that the earlier petitioner has filed a criminal revision i.e. Cr. Rev. No. 226 of 2006 before this Court, but the counsel appearing in this case sought permission to withdraw the revision application with liberty to raise all the points for release of the scrap materials and also relevant documents before the court below. Permission was allowed with a direction that if the petitioner files any application for release of the materials the Court below will consider the same without being prejudiced by the said order. He has annexed the order dated 01.08.2006 passed in aforesaid criminal revision No. 226 of 2006 as Annexure-1 in this application. It is further contended that the Court below without considering the petitioner's argument or documents so filed by the petitioner, it has simply rejected as because the petitioner has withdrawn the earlier criminal revision filed before this Court.

Learned counsel for the State has opposed, but he has not disputed the aforesaid contentions made by the counsel for the petitioner.

Considering the submissions made by both the parties, I set aside the impugned order and direct the Judicial Magistrate, Bokaro. If he files any fresh application with documents, the Court below will consider the same according to law without being prejudiced by the order of this Court.

The Court below is further directed to dispose of the application, if the same is filed by the petitioner within a period of three months from the date of filing of the said application.

With this aforesaid direction this application is disposed of.

(Jaya Roy, J.)