

IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

Cr. M. P. NO. 464 / 2013

Single Bench

APPLICANTS
ACCUSED

1. Rajiv Kant Soni, son of Shri
Dhruv Narayan Soni, aged
about 30 years
(IN JAIL)

2. Dhruv Narayan Soni, son of
Late Shri Brijlak Soni, aged
about 61 years

Both residents of village and
Tehsil Mohla, Police Station
Mohla, District Rajnandgaon,
Chhattisgarh

Presented by Shri. *NGH/B*
Arvind K. Chaki
dated *5/5/13*

VERSUS

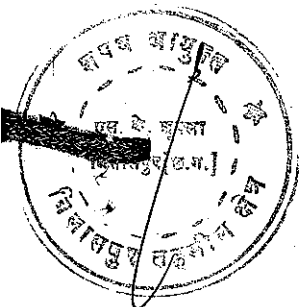
RESPONDENT
COMPLAINANT

State of Chhattisgarh, through the
Through Station House Officer,
Police Station Mohla, District
Rajnandgaon, Chhattisgarh

Crime No. : 42/2013
Police Station : Mohla, District Rajnandgaon
Chhattisgarh
Offence : Sections 34(1)(a) and 34(2)
of Chhattisgarh Excise Act
Status : Charge sheet not filed

Det. And. Ravanne Rajnandgaon

APPLICATION UNDER SECTION 482 OF THE CODE OF CRIMINAL
PROCEDURE CODE, 1973 FOR ISSUANCE OF APPROPRIATE
ORDER/ORDERS AND DIRECTION/DIRECTIONS





X-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

23/5/13

मामला क्रमांक

C.M.P. No 464/13
सन् 20

(21)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p><u>SE : Hon'ble Shri Manindra Mohan Shrivastava, J.</u> <u>22.5.2013</u></p> <p>Shri Amrito Das, counsel for the petitioners. Shri Sudhir Bajpai, Deputy GA for the State. Heard.</p> <p>Learned counsel for the petitioners prayed for interim custody of the vehicles in question, alleged to be used in the commission of offenses under Sections 34(1)(a) and 34(2) of the Chhattisgarh Excise Act, but the application has been rejected Court below. Learned counsel further submits that the application for interim custody has been rejected by the Court ignoring settled legal position.</p> <p>Learned counsel for the petitioners submits that no useful purpose will be served in keeping the vehicle in custody. It may be handed over to the father of petitioner-1, in whose name power of attorney is there. Charge-sheet has already been filed before the Court below.</p> <p>On the other hand, learned state counsel opposes the prayer and submits that the vehicles may be required in confiscation proceedings before the confiscating authority under the Excise Act.</p> <p>Taking into consideration that the vehicles have been kept under custody for quite some time and that charge-sheet has already been filed, it would be appropriate to allow the interim custody in favour of petitioner-1 or his father, petitioner-2, power of attorney holder on such terms and conditions as may be thought to be imposed by the Chief Judicial Magistrate, Rajnandgaon. In addition, it shall also be one of the condition that the vehicles shall be produced before the Court or before the confiscating authority as and when directed.</p> <p>With the above order the petition is disposed off.</p>	<p>Sd/- Vacation Judge</p>

Padma