

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision. No.107 of 2015**

Pawan Kumar Yadav
S/o Arjun Yadav
R/o 210 Hathmara Pochra,
Digwar, Kuju,
P.O. - Kuju & P.S. - Mandu,
District - RAMgarh Petitioner

Versus

State of Jharkhand Opposite Party

CORAM: HON'BLE MR. JUSTICE AMITAV K. GUPTA

For the Petitioner : Mr. Prabhat Kr. Sinha, Advocate
For the State : A.P.P

04/Dated: 27th February, 2015

This revision is directed against the order dated 19.01.2015 passed by the learned Judicial Magistrate, 1st Class, Hazaribagh in Barhi P.S. Case No.08 of 2015, corresponding to G.R. No.74 of 2015 whereby the application of the petitioner for release of truck has been rejected.

2. Mr. Prabhat Kumar Sinha, learned counsel, for the petitioner, has submitted that the petitioner is not named in the F.I.R; that he happens to be the owner of the seized truck bearing registration No.JH 02AE - 3140 which was hired by Proprietor of Priya Enterprises for transportation of coal. That despite the valid papers, the truck has been seized in the aforesaid case. That the court below called for a report from the police and the police submitted the report, as per Annexure - 3, that they have no objection if the said truck is released. That the petitioner had filed the owner book and registration papers of the said truck in the court below but the court below without calling for a report from District Transport Officer rejected the prayer for release on the ground that the genuineness of the documents have not been verified by the D.T.O. That the impugned order has been passed arbitrarily and is fit to be set aside.

3. Heard. It is evident from the police report that the Investigating Officer has no objection to the release of the truck bearing registration No. JH 02AE - 3140. The investigation is over and the truck is lying without any use in police custody. In the given facts and circumstances the court below is directed to release the truck in favour of the petitioner on verification of the papers by calling for a report from the competent authority within two weeks from the receipt of the copy of this order and on furnishing of security/ indemnity bonds by the petitioner on terms and conditions which the trial court deems fit and proper to impose.

4. Accordingly the order dated 19.01.2015 passed by the learned Judicial Magistrate, 1st Class, Hazaribagh in Barhi P.S. Case No.08 of 2015, corresponding to G.R. No.74 of 2015 is, hereby, set aside.

5. Let a copy of this order be communicated to the court concerned through FAX on cost being deposited by the petitioner.

(AMITAV K. GUPTA, J.)

Chandan/-