

C-482 Petition No. 572 of 2017

U.C.Dhyani, J.

Mr. J.S.Virk, Advocate, present for the applicant.

Mr. S.S.Adhikari, Brief Holder, present for the State.

By means of present application under Section 482 Cr.P.C., the applicant seeks to quash the impugned judgment and order dated 06.02.2017 passed by learned Sessions Judge, Pithoragarh in Criminal Revision No. 28 of 2016, Smt. Chandra Chand Thakur vs. State.

The very short question which arises for consideration of this Court is - if the first information report has been lodged under Section 380 IPC in respect of theft of some property, can the building from which such property was stolen be termed as 'case property'? The reply to the aforesaid query, in the humble opinion of this Court, is in the negative. There is nothing to be discussed in the present C-482 Cr.P.C. Petition besides that.

Case property is the property which was allegedly stolen from the house in question and not the house itself. Petition under Section 482 Cr.P.C. is, therefore, allowed summarily. Orders impugned are set aside.

If the house of the applicant is in dilapidated condition and harm may be caused to the neighbours, therefore, she may be permitted to demolish the house at her own costs and reconstruct the same. This order is being passed under the belief that no tenant is living in that house.

This is without prejudice to the ongoing proceedings of the criminal case and the civil suit, if any, pending before any court.

(U.C.Dhyani, J.)

28.04.2017