

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 902 of 2015

Swarath Sahu S/o Late Malik Ram Sahu, aged about 40 years, R/o. Village Kodapuri, Police Station Hirri, Civil and Revenue District Bilaspur (CG).

--- **Appellant.**

Versus

State of Chhattisgarh through Police Station – Hirri, Civil and Revenue District Bilaspur (CG).

---- **Respondent**

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14-10-2015	Mr. Vaibhav A. Goverdhan, counsel for the appellant. Mr. Avinash K. Mishra, Panel Lawyer for the State. Heard on I.A. No.3 of 2015, an application filed under Section 452 of the Cr.P.C., for releasing Tractor-trolley, RC book, Insurance papers and driving licence on supurdnama. Learned counsel appearing for the appellant submits that the appellant is undisputed owner of the Tractor and trolley bearing engine No.68319, chassis No. B-9676 and registration No. CG/10/A/3999 and if the said tractor-trolley is not given to him on supurdnama, an irreparable injury would be caused to him. He further submits that tractor-trolley which is not	

required in the instant case, is unnecessarily lying in the Police Station and the same is losing its structure day-by-day. He further submits that the original documents are also available on record, therefore, the seized vehicle including the aforesaid documents belonging to the appellant may be handed over to him on supurdmana.

On the other hand, State counsel submits that he has no objection to grant of vehicle and the relevant documents on supurdnama, however, he prays that certain conditions may be imposed upon the appellant while releasing the aforesaid articles on supurdnama.

Considering the facts and circumstances of the case, we are of the opinion that the seized vehicle including the original documents should be returned to the appellant with certain conditions.

Accordingly, I.A. No. 3/2015 is allowed. It is directed that the aforesaid seized vehicle including the documents belonging to appellant shall be released in his favour on supurdnama on the following conditions :

(i) That, he shall execute a supurdnama to the tune of Rs.2,00,000/-.

(ii) That, he shall not alienate or create any third

	party interest on the seized vehicle till the disposal of this appeal. (iii) That, he shall produce the seized vehicle with its documents relating to registration as and when directed by the Court during pendency of this appeal. (v) That, he shall furnish a solvent surety to the tune of Rs.2,00,000/- ensuring compliance of the conditions of the supurdnama executed by him. Registry is directed to send back the entire original record to the trial Court concerned for completing the necessary formalities. The trial Court is directed to keep the xerox copies of the original documents on record and do the needful. Certified copy as per rules. Sd/- (Pritinker Diwaker) Judge Sd/- (I.S. Uboweja) Judge	
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