

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1432 of 2016**

- Ramesh Sharma S/o Ramswaroop Sharma Aged About 25 Years R/o Chhannupara Bacheli Police Station Bacheli Revenue And Civil District Dantewada, Chhattisgarh, Permanent Residence At Village Lakhanpatti Post Kasor District Samastipur Police Station Valis Nagar, Bihar., Chhattisgarh

---- Appellant**Versus**

- State of Chhattisgarh Through Police Station Bacheli District Dantewada, Chhattisgarh., Chhattisgarh

---- Respondent

17/01/2018	Shri P.K. Tulsyan, Advocate for the appellant. Shri SRJ Jaiswal, PL for the State. Heard on I.A. No.01/2017, which is an application under Section 457 of the Cr.P.C., wherein interim custody of the motorcycle bearing Registration No.C.G. 18 J 4399 has been claimed. Learned counsel for the appellant submits that as per para 28 of the judgment, wherein the appellant was convicted and it was directed that in case the appeal is not filed, the vehicle should be returned to the original owner and in absence of the original owner, the vehicle seized may be confiscated in favour of the State. Learned counsel for the appellant submits that the appellant, who has been convicted was in jail and the registration certificate could not be produced before the Court below, which	

has been enclosed herein and no purpose would be served to keep the vehicle in custody and it will lose its value as well as roadworthiness.

Perused the order, considering para 28 thereof and taking into consideration the law laid down in the cases of ***General Insurance Council and Others Vs. State of Andhra Pradesh and Others {(2010) 6 SCC 768}*** and ***Sunderbhai Ambala Desai Vs. State of Gujrat {(2002) 10 SCC 283}***, wherein it is held that the vehicle having been seized, no purpose would be served in lying the vehicle at the disposal of authorities or at police station. Keeping of the vehicle at police station necessarily will occupy the space or is prone to cause natural decay and may lose its roadworthiness if it is kept in stationary position. Further taking into consideration the fact that the appeal has already been filed and the appellant claims himself to be the registered owner of the vehicle and applying the aforesaid principles, it is directed that the vehicle be released in favour of the appellant by way of interim measure on the following conditions:-

(i) Before release of vehicle proper Panchnama be prepared.

(ii) Photographs of vehicle should be taken and also bond should be produced.

(iii) Proper surety i.e. personal bond of Rs.20,000/- and like sum of surety be obtained before release of vehicle.

Sd/-

Goutam Bhaduri
Judge

Ashu