

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No.282/2023

Balvir Kumar Chordia S/o Late Shri Birdhichand Chordia,
Resident Of Plot No. B-28, New Light Colony, Tonk Road, Jaipur
(Raj).

-----Petitioner

Versus

1. State Of Rajasthan, Through P.p.
2. Indian Oil Corporation Limited, (Marketing Division),
Divisional Office, 1st Floor, LIC Investment Building, Near
Ambedkar Circle, Bhawani Singh Road, Jaipur (Raj).
Through its Senior Manager (Retail Sale).

-----Respondents

For Petitioner(s)	:	Mr. Prahlad Sharma
For Respondent(s)	:	Mr. N.S. Dhakar, PP Mr. Sushil Kumar Mishra

JUSTICE ANOOP KUMAR DHAND

Order

07/05/2026

1. By way of filing the instant criminal misc. petition, a prayer has been made for the release of amount of Rs.61,26,825/-.
2. Learned counsel for the petitioner submits that the petitioner was implicated in a false case with fabricated allegations levelled by the complainant-respondent, by way of lodging an FIR No.819/2018 with the Police Station Shiprapath, Jaipur City (South) indicating that the petitioner has committed an offence of illegal removal of the infrastructure of the retail outlet of the petrol pump. Learned counsel submits that the petitioner has simply provided his land to the oil company-respondent No.2 to operate a petrol pump on his land, the equipments were installed by the

company at later stage. Learned counsel submits that the petitioner sold the subject land to the third party, but he never sold any equipments which were provided by the company, even inspite of the same, he was arrested in the aforesaid criminal case. Learned counsel further submits that when the petitioner was in custody, he had no other option except to deposit a sum of Rs.61,26,825/- before the Trial Court. Learned counsel submits that on deposition of the aforesaid amount, the bail application submitted by the petitioner bearing No.14369/2018 was accepted by the co-ordinate Bench of this Court vide order dated 13.11.2018. Learned counsel submits that now the charge-sheet has been submitted against the petitioner and the statements of the witnesses, i.e. the officials of the company, have been taken on record and they have admitted in their cross-examination that the equipments provided by the company are still lying on the subject ssite. Learned counsel submits that, under these circumstances, the amount so deposited by the petitioner is liable to be refunded to him, hence, appropriate orders be passed.

3. *Per contra*, learned counsel appearing on behalf of the complainant-respondent opposes the prayer and submits that the company operated petrol pump was installed on the subject land of the petitioner and the petitioner has not only sold the said land, but also sold the equipments of the outlet to the purchaser. Hence, he has committed the alleged offence as mentioned in the impugned FIR. Learned counsel submits that the petitioner is facing the trial for the aforesaid charges and unless and until, the proceedings are concluded, the petitioner is not entitled to get the

aforesaid amount, so deposited by him, pursuant to the order dated 13.11.2018.

4. Heard and considered the submissions made at the Bar and perused the material available on record.

5. Perusal of the record indicates that the allegations have been levelled against the petitioner in relation to selling off the land where the subject retail outlet of the petrol pump was existing.

6. Whether the equipments of the company have been removed from the site by the petitioner or not? It is a subject matter of the trial, which would be decided by the concerned Court, where the petitioner is facing the trial, after appreciating the evidence available on record.

7. Considering the overall facts and circumstances of the case, this Court deems it just and proper to dispose of the instant misc. petition by issuing directions to the Trial Court to make all possible endeavours to conclude the trial expeditiously, as early as possible and whenever the judgment is passed by the Trial Court, the right of the respective parties with regard to receipt of the amount deposited in the Court is also required to be decided and the amount be refunded to the person, who is entitled to get the same. Till conclusion of the trial, the Trial Court is directed to deposit the aforesaid amount in the Fixed Deposit in any nationalised bank.

8. With the aforesaid observations, the instant criminal misc. petition stands disposed of. All pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J