

Arvind Sahu Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Dec-12-2012

Appellant : Arvind Sahu

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. V.P.Singh

Judgement :

M.Cr.C.No.13246/12 12.12.2012.

Shri V.P.Singh, learned counsel for petitioner.

Shri Ramesh Kushwaha, learned PL for State.

Heard on the question of admission.

The petition seems to be arguable, hence admitted for final hearing.

Also heard on IA No.22836/12, an application for release of the vehicle in question on supurdnama during pendency of the petition.

Learned counsel for petitioner submits that since the petitioner was purchaser of teak wood and he by purchasing it from depot made furnitures in the form of door, window etc.It is alleged that the vehicle in question was involved in illegal transportation of the same.

Prayer for Supurdnama made under Section 457 Cr.P.C.has been rejected by CJM, Panna in Misc.Criminal Case No.129/12 on 15.9.12.

In Criminal Revision No.85/12 on 17.10.12, learned Addl.Judge to the Court of Ist Addl.

Sessions Judge, Panna also rejected the prayer.

So, this petition has been filed under Section 482 Cr.P.C.for setting aside the aforesaid ordeRs.By IA 22836/12, prayer is made for release of vehicle in question on supurdnama.

Learned counsel for petitioner prays for interim custody of the vehicle.

Counsel submits that the vehicle in question is a new one and its condition will deteriorate and petitioner will have to suffer irreparable loss.

2 Looking to the facts and circumstances of the case, since the vehicle in question is lying, as an interim measure, it is directed that on producing relevant papers and giving Supurdnama of Rs.5,00,000 (Rs.Five Lacs Only) with one surety in the like amount to the satisfaction of the CJM, Panna, the unregistered vehicle Maxi Truck of Mahindra vide Chassis not MA1ZP2GLKC1H57044 Engine not GLC1H67433 be given on Supurdnama to the petitioner subject to final decision of this petition on these conditions :- (a) That, petitioner will not transfer/sell the vehicle to any third person; (b) That, petitioner will not change the colour, design, etc.of the vehicle; (c) That, petitioner will produce the vehicle as and when required at his own cost.

Call for the case diary.

Matter will be heard finally in 2nd week of January, 2013.

C.c.as per rules.

(M.A.Siddiqui) Judge.

Jk.

