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**(2013) 01 JH CK 0044**

**Jharkhand High Court**

**Case No:** Criminal M.P. No. 1342 of 2012

Rajendra Singh @ Raju Singh

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

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**Date of Decision:** Jan. 28, 2013

**Acts Referred:**

- Penal Code, 1860 (IPC) - Section 414

**Hon'ble Judges:** Rakesh Ranjan Prasad, J

**Bench:** Single Bench

**Advocate:** Sanjay Prasad, for the Appellant;

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### **Judgement**

R.R. Prasad, J.

Heard the parties. This application has been filed for quashing of that part of the order dated 12.4.2012 whereby learned Principal Sessions Judge, Giridih rejected the prayer for release of One Tonne of iron scrap and dismissed the revision application which had been filed against the order dated 27.2.2012 passed by the Chief Judicial Magistrate, Giridih rejecting the prayer for release of the vehicle (Tata 207) as well as One Tonne iron scrap.

2. It is the case of the prosecution that when a vehicle (Tata 207) bearing Registration No. JH-10Q-2305 was carrying iron scrap, it was intercepted by the informant suspecting the iron scrap to be the stolen property and thereby a case was lodged which was registered as Giridih (T) P.S. Case No. 104 of 2011 u/s 414 of Indian Penal Code.

3. While the matter was pending for investigation, an application was filed for release of the vehicle as well as the iron scrap whereby a report was called for by the court concerned from the concerned Investigating Officer. On verification, the Investigating Officer reported that the documents relating to the vehicle as also the iron scrap have been found to be genuine. In spite of that, the prayer for release of the vehicle as well as the iron scrap was rejected by the court below.

4. Being aggrieved with that order, a revision application bearing Cr. Rev. No. 17 of 2012 was preferred before the Principal Sessions Judge, Giridih who though passed an order for release of the vehicle but refused to release the iron scrap on the ground that still the Investigating Officer has not verified as to whether the property belongs to the petitioner though there was a report of the Investigating Officer which has been recorded in paragraph-8 of the order that the vehicle as well as iron scrap also belongs to the petitioner, as the documents relating to it have been found to be genuine.

5. Under this situation, the order passed by both the courts below seems to be quite illegal. Accordingly, the same are set aside. Consequently, One Tonne of Iron Scrap, subject matter of a case bearing Giridih (T) P.S. Case No. 104 of 2011, be released in favour of the petitioner on furnishing security bond of Rs. 70,000/- (Seventy Thousand) with one surety of the like amount to the satisfaction of the Chief Judicial Magistrate, Giridih.