IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 18th OF AUGUST, 2023

MISC. CRIMINAL CASE No. 59758 of 2022

BETWEEN:-

SATISH S/O SHRI PRABHAKAR SONWANE, AGED ABOUT 34 YEARS, OCCUPATION: BUSINESSMAN R/O TALASWADA TALUKA MALKAPUR (MAHARASHTRA)

.....APPLICANT

(BY SHRI KAMAL SINGH RAJPUT, ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION LALBAGH DISTRICT BURHANPUR (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI A. S. PATHAK, GOVT. ADVOCATE)

This application coming on for admission this day, the court passed the following:

ORDER

Applicant has filed this petition under section 482 CrPC, for release of vehicle on supurdginama.

2. Learned counsel for the applicant submitted that applicant is owner of tractor and trolley bearing MH-19-P-4278. It is submitted that tractor and trolley will be damaged in Police Station if same is not released. It is submitted that court below has committed an error in not releasing the vehicle on supurdginama.

3. Learned Govt. Advocate appearing for the respondent/State opposed the petiton for release of vehicle on supurdginama. It is submitted by him that

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offence of illegal mining of sand is increasing in the State. Court has to take strict action for not releasing the said vehicle on supurdginama so that illegal mining could be checked. Applicant is resident of Maharashtra and he had entered into an agreement and gave tractor and trolley on rent to a person in State of M.P. No permit has been obtained from State of M.P. for operating said tractor in State of M.P. Further tractor has been used for mining sand. If tractor is released then same will be taken back to Maharashtra and may not be available during trial. There are also chances that the tractor will be sold out as scrap and may not be available in trial. Police of M.P. will not have any control if tractor and trolley is being shifted to Maharashtra.

4. Heard the learned counsel for the parties.

5. Owner of tractor and trolley is resident of Maharashtra and there is likelihood that he may take tractor and trolley to Maharashtra where police of M.P. has no control over said tractor and trolley. Tractor and trolley are part of evidence which will be required in trial. There are chances that applicant will destroy the evidence available with him. Offence of sand mining is increasing in the State.

6. Considering the aforesaid facts and circumstances of the case I do not find it a fit case for interference by this Court. Well reasoned order has been passed in the criminal revision rejecting the application for release of vehicle on supurdginama.

7. In view of aforesaid, the petition filed under section 482 CrPC, is **dismissed**.

(VISHAL DHAGAT)

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JUDGE

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