

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 1037 of 2020

Major Raja Paul

.... Petitioner(s).

Versus

1. The State of Jharkhand

2. Vivek Agrawal

... Opp. Party(s).

CORAM : HON'BLE MR. JUSTICE ANANDA SEN.
Through: Video Conferencing

For the Petitioner(s) : Mr. Birendra Kumar, Advocate.

For the State : Mr. Prabir Kr. Chatterjee, A.P.P.

03/10.09.2020: This case was listed/supposed to be listed before the Lawazima Board for seeking an order in respect of the defects, pointed out by the office.

Considering the pandemic situation where the Court has minimized the footfall of the lawyers and their clerks in the Court, this Court felt proper to get all the cases listed before this Court so that the defects can be looked into at this stage only. Thus, this case is listed today before the Court directly.

The defect(s) as pointed out by the office stand ignored for the present.

With the consent of the parties, the matter is taken up for hearing on merits.

During the course of argument, it has been brought to the notice to this Court that the order dated 29.3.2019 has already been given effect to.

The petitioner has challenged the order dated 29.3.2019 whereby, the seized coal, was released in favour of Vivek Agarwal, proprietor of M/s Kunal Enterprises.

Counsel for the petitioner submits that his client i.e. Eastern Coalfields Limited is the true owner of the coal, thus the coal should have been released in their favour.

From the impugned order, I find that the court below gave a finding that Vivek Agarwal, who is the proprietor of M/s Kunal Enterprises, is the owner of the coal and the same was purchased from him by one M/s Maa Laxmi Enterprises. Thus, the coal was released in favour of Vivek Agarwal.

Now the order dated 29.3.2019 with regard to release of coal has already been given effect to as the coal has already been released. Since the coal has already been released in the month of March 2019 and after more than one year, it is not expected that the seized coal is retained by Vivek Agarwal. This petition, challenging the said order, has become infructuous, as no effective order can be passed in this case now.

Thus, it is made clear that during the trial, if it is found that Vivek Agarwal is not the owner of the coal and M/s Eastern Coalfields Limited is the real owner of the coal, M/s Eastern Coalfields Limited will be at liberty to take appropriate steps for recovery of the value of the coal from the person concerned.

Accordingly, this petition stands **disposed of**.