

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. M.P. No. 1111 of 2020

1. Md. Hussain Ansari		
2. Md. Kayoom Ansari		
3. Ali Hussain Ansari		
4. Shobha Devi	...	Petitioners
-versus-		
The State of Jharkhand	...	Opposite Party

CORAM : HON'BLE MR. JUSTICE ANANDA SEN
THROUGH VIDEO CONFERENCING

For the Petitioner :	Mr. S.P. Roy, Advocate
For the State:	Mr. Satish Prasad, A.P.P.

3/ 11.09.2020 The lawyers have no objection with regard to the proceeding, which has been held through Video Conferencing today at 11.00 a.m. They have no complain in respect to the audio and video clarity and quality.

This case was listed/supposed to be listed before the Lawazima Board for passing 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 this Court directly.

Counsel for the petitioner prays to ignore the defects and take up the matter on merits.

Accordingly, the defects are ignored for the present.

Counsel for the petitioners submits that the second prayer seeking release of the vehicle has lost its relevance in view of the fact that the vehicle has already been released in the revision application. He submits that the petitioners are only aggrieved by the part of the order passed by the Revisional Court, whereby bank guarantee has been directed to be furnished in lieu of release of the vehicle. Counsel for the petitioners submits that the Revisional Court could not have directed the petitioners to submit sureties in the form of Bank Guarantee in lieu of release of the vehicle.

Counsel appearing for the State submits that the Court below was well within its jurisdiction to seek for bank guarantees.

After hearing the counsel for the parties, I find that the petitioners are owners of tractors, which were seized. The Revisional Court released the

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vehicles in favour of the petitioners, but directed the petitioners to furnish sufficient surety in the form of Bank Guarantee, which, this Court feels, is too harsh. In that view, I am inclined to interfere with that part of the impugned order dated 07.12.2019 passed by the learned Sessions Judge, Godda in Criminal Revision No.45 of 2019, by which security in the form of Bank Guarantee was directed to be furnished. It is made clear that the Court will not insist for furnishing of Bank Guarantee, but, the petitioners will securities in other form but not cash security also.

With the aforesaid directions, this criminal miscellaneous petition stands disposed of.

(Ananda Sen, J.)