

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Revision No. 351 of 2021

Sadakash Shekh
.....Petitioner
-Versus-
The State of Jharkhand
.....Opp. Party

CORAM:-HON'BLE MR. JUSTICE RAJESH KUMAR

.....
For the Petitioner : - Md. Yasir Arafat, Adv.
For the Opp. Party : - Mr. V. S. Sahay, APP
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The matter was taken up through Video Conferencing. Learned counsels for the parties had no objection with it and submitted that the audio and video qualities were good.

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03/07.09.2021 Heard learned counsel for the petitioner and the State.

The instant criminal revision petition has been filed for setting aside the order dated 24.06.2021 passed by the Sub-divisional Judicial Magistrate, Pakur in connection with Pakur (M) P. S. Case No. 02 of 2021 and for release of the Tractor of the petitioner bearing Registration No. JH-17W-2708.

It has been submitted by the learned counsel for the petitioner that vehicle in question met with an accident for which an FIR being Pakur (M) P. S. Case No. 02 of 2021 has been lodged on 09.01.2021 under Sections 279/337/338/427 of the Indian Penal Code. The petitioner had moved a petition before the Court below under Section 451 of the Cr.P.C. for release of the tractor bearing Registration No. JH-17W-2708. The said prayer has been rejected on the ground of Rule -6 of Jharkhand Motor Accidents Claims Tribunal Rules, 2019. Rule-6 contemplates that no vehicle should be released, which is involved in an accident, until and unless that vehicle is insured. It has been further submitted that the vehicle in question is now insured.

Learned counsel for the State has no objection so far as release of the tractor is concerned.

In view of the above submission and considering the materials available on record, the Court below is directed to release the tractor after proper verification that vehicle in question is insured and it may impose any terms and conditions under law, which it deems fit and proper. Necessary order should be passed within two weeks from the date of communication of a copy of this order.

With the above observations and directions, the instant criminal revision stands disposed of.

(Rajesh Kumar, J.)