



1

MCRC-13419-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 10th OF JULY, 2025MISC. CRIMINAL CASE No. 13419 of 2025*SACHIN**Versus**THE STATE OF MADHYA PRADESH*

.....
Appearance:

Shri Deepak Kumar Rawal - Advocate for the applicant.

Shri Tarun Pagare -GA appearing on behalf of Advocate General.

.....

ORDER

1. This petition is filed under Section 528 Of B.N.S.S.2023/482 of the Cr.P.C against the order dated 07.03.2025 passed by Learned Additional Session Judge, Petlawad Dist-Jhabua (M.P) in Criminal Revision No. 07/2025 arising out of the order dated 13.1.2025 passed by Learned Judicial Magistrate First Class, Ujjain, Dist- Ujjain in crime No.148/2024, whereby, the application under sections 497,503 of the B.N.S.S/ Cr.P.C for release of Maruti Swift Car bearing Vehicle No. MP 13 CB 0130, on “Supurdgi”, has been rejected.

2. Counsel for the petitioner submits that the petitioner is the registered owner of the vehicle in question and the criminal case is still pending, and during the pendency of the criminal case, the Collector/District Magistrate has no jurisdiction to confiscate the vehicle under Section 47(A) of the M.P Excise Act,1915. The petitioner has relied on the judgement passed by coordinate bench in WP No.12666/2023 dated 14.06.2023.

3. Counsel for the petitioner further submits that the order of confiscation is contrary to the provisions of section 11(5) of the Adhiniyam, which provides that the Collector/District Magistrate can confiscate the vehicle when, by the competent court it is found that the violation of sections



4,5,6,6-A and 6-B of the Adhiniyam has been committed. He relies on the judgment passed in the case of **Sheikh Kalim Vs. State of MP** passed in **M.Cr.C No.1296/2015 dated 13.07.2015**, wherein it has been held that the Collector should refrain from passing the order of confiscation till the trial is concluded. He further submits that there being contrary views, therefore, the matter has been referred to the larger bench by the co-ordinate bench in **WP No.11356/2024 in the case of Ramlal Jhariya Vs. State of MP and Ors.**

4. The issue is pending before the Hon'ble Chief Justice for referring the matter to the larger bench and the same is referred by order dated **06.05.2024** passed in **WP No.11356/2024 in the matter of Ramlal Jhariya v. State of M.P and Others.**

5. Considering the same, it is directed that the vehicle i.e., **Maruti Swift Car bearing Vehicle No. MP 13 CB 0130**, be released to the petitioner on execution of **Supurdginama to the tune of Rs.5,00,000/-(Rupees Five Lakhs Only)** to the satisfaction of the confiscating authority on such terms and conditions as may be fixed by the confiscating authority. Accordingly, the orders dated **7.3.2025** and **13.1.2025** are hereby set aside and the petition is allowed.

6. This order shall be subject to the final outcome of the reference answered by the Full Bench. If the question raised before the Full Bench is answered in favour of the petitioner, the order shall remain intact, and if the answer is given negative, then the State may file an application for withdrawal of the present order.

7. With the aforesaid, the present MCRC stands **disposed of**.

(SUBODH ABHYANKAR)
JUDGE