

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO.291 OF 2019  
(ARISING OUT OF SLP(CRL.) NO.5286 OF 2018)

ARJUN PRASAD

APPELLANT(S)

VERSUS

THE STATE OF JHARKHAND & ANR.

RESPONDENT(S)

O R D E R

Leave granted.

Having regard to the circumstances of the case, it is clear that the truck in question could not have been directed to be seized since there is no evidence that it was used in the commission of the offence of murder. Merely because there were rival claims about the ownership of the truck; that does not warrant the seizure of the truck.

We, accordingly, allow this appeal, set aside the impugned order passed by the High Court as also the order passed by the learned Judicial Magistrate, 1<sup>st</sup> Class, Simdega, Jharkhand, and direct that the truck in question be released on Sapurdari to its registered owner on such terms and conditions that the trial court may feel fit to impose.

.....J  
[S.A. BOBDE]

.....J  
[DEEPAK GUPTA]

NEW DELHI;  
FEBRUARY 18, 2019.

ITEM NO.37

COURT NO.3

SECTION II-A

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1.) No(s).5286/2018

(Arising out of impugned final judgment and order dated 08-02-2017  
in CRR No.384/2016 passed by the High Court Of Jharkhand At Ranchi)

ARJUN PRASAD

Petitioner(s)

VERSUS

THE STATE OF JHARKHAND & ANR.

Respondent(s)

Date : 18-02-2019 This petition was called on for hearing today.  
CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE  
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Anup Kumar, AOR  
Ms. Neha Jaiswal, Adv.  
Mr. Bhaskar Adity, Adv.  
Mr. Arjun G. Nair, Adv.

For Respondent(s) Mr. Prabhat Kumar Rai, Adv.  
For M/s Aura & Co., AOR

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

This appeal is allowed in terms of the signed order.

Pending interlocutory applications, if any, stand disposed of.

(SANJAY KUMAR-II)  
COURT MASTER (SH)

(INDU KUMARI POKHRIYAL)  
ASSISTANT REGISTRAR

(Signed Order is placed on the file)