SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			CRLR/577/2026 Vasim Khan --Revisionist **Versus** State Of Uttarakhand and Another --Respondent **Hon'ble Alok Mahra, J.** Mr. Mohd. Matlub, learned counsel for the revisionist. Mr. Deepak Bisht, learned Deputy Advocate General for the State of Uttarakhand. 2. The present Criminal Revision has been filed challenging the judgment and order dated 30.06.2026, passed by the learned Second Appellate Sessions Judge/Special Judge (Gangster Act), Nainital in Criminal Appeal No. 25 of 2024, Vasim Khan vs. State of Uttarakhand, whereby the learned Appellate Court has confiscated the Scorpio car bearing registration No. UK 19A 4786. 3. Learned counsel for the revisionist submits that an FIR under Sections 2/3 of the U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986, being FIR No. 180 of 2023, was registered against the revisionist. Thereafter, a gang chart was prepared and, on 05.09.2023, an attachment order was passed by the learned District Magistrate, Nainital whereby the entire immovable property of the revisionist and his wife, as well as the vehicle bearing registration No. UK 19A 4786, was attached. 4. Thereafter, the revisionist moved a representation against the said attachment order under Section 14(1) of the U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986. After considering the representation, the learned District

			Magistrate rejected the same vide order dated 11.07.2024. Aggrieved by the said order, the revisionist preferred an appeal under Section 18 of the U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986 before the learned Special Court (Gangster Act)/District and Sessions Judge, Nainital, being Criminal Appeal No. 25 of 2024. The said appeal was partly allowed vide judgment and order dated 30.06.2026, whereby the order attaching the immovable properties of the revisionist and his wife was set aside and the said properties were released. However, the vehicle bearing registration No. UK 19A 4786 was confiscated. The ground for confiscation of the vehicle was that although the vehicle had been purchased on 12.01.2021, at a time when no FIR had been registered against the revisionist, the purchase had been financed through a bank loan and the EMIs in respect thereof continued to be paid even after registration of the FIR under the Gangster Act. On this basis, the learned Appellate Court presumed that the EMIs paid towards the said vehicle loan could have been met from the proceeds of crime. 5. Learned counsel for the revisionist further submits that the provisions of Sections 2/3 of the U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986 could not have been invoked against the revisionist, inasmuch as, according to the gang chart, seven cases under the Public Gambling Act, 1867, were shown against him. He submits that Section 2(b)(vi) of the U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986 refers to a gang of persons who habitually commit or attempt to commit offences punishable under the specified enactments, whereas an offence under Section 13 of the Public Gambling Act, 1867 does not fall within the said definition. 6. Learned counsel further submits that when the learned Special Judge (Gangster Act) had already found that there was direct

			evidence regarding the acquisition of the immovable properties from the proceeds of crime and had consequently released the said properties, there was no justification for confiscating the vehicle merely on the basis of conjectures and surmises. It is submitted that the vehicle was admittedly purchased on 12.01.2021, much prior to the registration of any FIR against the revisionist, and therefore, the finding that the EMIs paid towards the vehicle loan were sourced from the proceeds of crime is wholly presumptive and unsupported by any cogent material. 7. Having heard learned counsel for the parties and upon perusal of the record, this Court is of the considered view that an offence under Section 13 of the Public Gambling Act, 1867 would not, by itself, attract the provisions of Sections 2/3 of the U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986. The definition of "gang" and the offences contemplated under Section 2 of the said Act cannot be extended to an offence under Section 13 of the Public Gambling Act, 1867 when the same is not covered by the statutory definition. 8. Apart from the aforesaid aspect, another significant circumstance is that the vehicle in question was admittedly purchased on 12.01.2021, whereas the first FIR against the revisionist was registered much thereafter. The finding that the EMIs paid towards the bank loan for purchase of the vehicle were met from the proceeds of crime is based merely on conjecture and surmise, particularly when no cogent material has been brought on record to establish any nexus between the vehicle or the payment of its EMIs and the proceeds of crime. It is also relevant that the learned Appellate Court, while finding material regarding acquisition of the immovable properties from the proceeds of crime, had set aside the attachment in respect thereof and released the said properties. In such circumstances, the

			confiscation of the vehicle, which was admittedly acquired much prior to the registration of the first FIR, cannot be sustained in the absence of any material establishing that the vehicle itself was acquired from the proceeds of crime. 9. Accordingly, the judgment and order dated 30.06.2026 is hereby set aside. The said vehicle shall stand released in favour of the revisionist. 10. Learned counsel for the revisionist submits that the vehicle is presently in the possession of the revisionist. 11. In view of the aforesaid submission, the revisionist shall retain possession of the vehicle, subject to compliance with all applicable legal requirements. 12. The Criminal Revision stands allowed in the aforesaid terms. **(Alok Mahra, J.)** 08-09-2026 SB SNEHA BINJOLA