

**HIGH COURT OF TRIPURA
AGARTALA**

Crl. Petn. No.06 of 2025

Abul Hasem, S/o Keramat Ali, of Indranagar, P.S. Melaghar, District-
Sepahijala Tripura

.....Petitioner(s);

Versus

The State of Tripura

.....Respondent(s).

For Petitioner(s) : Mr. Samrat Ghosh, Advocate.

For Respondent(s) : Mr. Raju Datta, Public Prosecutor.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

12/02/2025

Heard Mr. Samrat Ghosh, learned counsel for the petitioner and
Mr. Raju Datta, learned Public Prosecutor for the respondent-State.

2. Petitioner claiming himself to be the owner of the offending
vehicle TR01-N-1785 (truck) which allegedly met with an accident on
20.12.2024 leading to the death of the son of the informant and serious injury to
the co-rider of the bike, has approached this Court as his prayer for release of
the truck has been rejected by the learned J.M. 1st Class, Court No.2, Sonamura,
Sepahijala District in Case No.2024 MLG 062. The learned Trial Court has, on
the report of the IO, observed that the case is at the stage of investigation and
mechanical inspection of the seized vehicle could not be done yet.

3. Mr. Samrat Ghosh, learned counsel for the petitioner, submits that
the petitioner has been repeatedly approaching the Investigating Officer to
cooperate in the investigation. He is also ready and willing to appear before the
MVI for mechanical inspection of the vehicle which may be a precondition for
its release.

4. Mr. Raju Datta, learned Public Prosecutor, on instruction submits that thrice notices have been issued against the owner to produce the driver, but he intentionally did not produce any authorization under Section 197 of the MV Act regarding the driver of the seized vehicle and also did not disclose who drove his vehicle on 20.12.2024 when the accident occurred. The IO has also sent a message to the DTO, Sepahijala for arranging mechanical inspection of the seized vehicle, but till date the owner did not appear before the MVI and show documents relating to the seized vehicle. He submits that the petitioner should cooperate in the matter so that the investigation is concluded in a time bound manner. Upon completion of investigation and submission of the report, he may move a fresh application for release of the vehicle before the learned Court in accordance with law.

5. Taking note of the aforesaid facts and circumstances and the statement on instructions made by learned Public Prosecutor, this Court does not find any reason to interfere in the impugned order. Learned counsel for the petitioner submits that petitioner is always willing and ready to appear before the IO, if so called upon. In that case, IO is required to issue notice for appearance of the owner of the offending truck alleged to be involved in the accident and if petitioner so cooperates, the investigation be concluded in a time bound manner including the mechanical inspection report required to be submitted by the MVI. Thereafter petitioner shall have liberty to move a fresh application for release of the vehicle.

6. The instant petition is disposed of with the above observations.

(APARESH KUMAR SINGH), CJ

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