

**HIGH COURT OF TRIPURA
AGARTALA**

***IA No.1 of 2025 in Crl. Rev.P. No.31 of 2025
Crl. Rev.P. No.31 of 2025***

Sri Keshab Sarkar, S/o Kajal Kanti Sarkar, resident of Subashnagar, P.O. & P.S. – Jirania, District – West Tripura.

..... Petitioner(s).

V E R S U S

The State of Tripura represented by the learned Public Prosecutor, High Court of Tripura.

..... Respondent(s).

For Petitioner(s) : Mr. Sayantan Talapatra, Advocate.

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

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

18/06/2025

Heard Mr. Sayantan Talapatra, learned counsel, appearing for the petitioner and Mr. Raju Datta, learned Public Prosecutor appearing for the respondent-State on I.A. No.1 of 2025 seeking condonation of delay of 27 days in preferring the instant revision petition being aggrieved by the impugned order dated 28.11.2024 passed in Criminal Revision No.03/2024 by the learned Additional Sessions Judge, Court No.4, West Tripura, Agartala.

The uninsured vehicle of the petitioner met with an accident on 29.06.2023 causing bleeding injury to one Sri Priyotosh Bardhan on his body. He was treated at IGM Hospital and AGMC & GBP Hospital. Thereafter, an FIR was lodged on 02.07.2023 by the daughter of Sri Priyotosh Bardhan. On 04.07.2023 the vehicle bearing No.TR-01-M-1523 was seized by the police and since then it is lying in police custody. On an

application by the petitioner, the learned Chief Judicial Magistrate, West Tripura, Agartala, has directed release of the truck on certain conditions. Being aggrieved with the stringent conditions, the petitioner approached the learned Court of Additional Sessions Judge, West Tripura, Agartala in Criminal Revision No.03/2024. The learned revisional Court taking into note the judgment rendered by the Apex Court in the case of **Jai Prakash Versus National Insurance Company Limited and others** reported in (2010) 2 SCC 607 followed in the case of **Usha Devi & another Versus Pawan Kumar and others** reported in 2018 SCC OnLine SC 3835 and also the decision in the case of **Sunderbhai Ambalal Desai Versus State of Gujarat** reported in (2002) 10 SCC 283 ordered interim release of the seized truck to the registered owner on furnishing of a bond of Rs.10,00,000/- with bank guarantee or fixed deposit receipt for the said amount as security. The petitioner being still aggrieved, has preferred the instant revision petition under Section 397 read with Section 401 of the Cr.P.C.

Mr. Sayantan Talapatra, learned counsel for the petitioner submits that the petitioner has not been able to arrange for the security amount of Rs.10,00,000/- either in the form of a bond with bank guarantee or fixed deposit. The vehicle is lying in disuse for last two years. Learned counsel for the petitioner submits that some time was consumed in obtaining the certified copy of the order causing delay of 27 days. Therefore, the petition for condonation of delay has also been filed bearing I.A. No.1/2025. The delay may be condoned. This Court may reduce the security amount for release of the vehicle after hearing the respondents. The petitioner is not in a

position to arrange for that amount since his truck is not in running condition and earning business.

Mr. Raju Datta, learned Public Prosecutor, has opposed the prayer. He submits that the learned Court has followed the ratio rendered by the Apex Court in the case of **Jai Prakash** (supra) and the salutary principles laid down in the case of **Sunderbhai Ambalal Desai** (supra) regarding release of vehicles on submission of appropriate bond and guarantee as security. The learned Courts have been cognizant of the fact that the interim release of such an offending vehicle could be done only upon furnishing of a security which could adequately satisfy the award to be rendered towards compensation to the aggrieved claimant. As such any reduction of the amount would fail to meet the conditions required for such release. Therefore, the instant petition may be rejected.

I have heard the learned counsel for the parties on the condonation of delay application and also on the merits. Delay of 27 days in preferring the instant revision petition is condoned as it is not inordinate and has been properly explained.

However, upon consideration of the rival submissions of the parties on merits of the case, this Court is of the opinion that both the learned Courts have followed the dictum of law laid down by the Apex Court in such matters relating to release of offending vehicles as an interim measure subject to the condition that the security so furnished should be adequate to satisfy the award which may be ultimately passed. This Court cannot make any comment upon the compensation likely to be awarded to the aggrieved claimant at this stage of the criminal proceedings relating to

the FIR instituted for the alleged incident. However, the security deposit of Rs.10,00,000/- either by way of a bond with bank guarantee or fixed deposit does not appear to be exorbitant or onerous so as to require any reduction or modification.

Accordingly, the instant petition is dismissed.

Pending application(s), if any, shall stand disposed of.

(APARESH KUMAR SINGH), CJ

