



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 3804 OF 2019

BETWEEN:

1. THE STATE OF KARNATAKA
BY THE DEPUTY DIRECTOR OF MINES AND GEOLOGY
DEPARTMENT, MANGALURU, DAKSHINA KANNADA.
REPRESENTD BY
STATE PUBLIC PROSECUTOR,
BANGALORE.

...PETITIONER

(BY SMT. SOWMYA R, HIGH COURT GOVERNMENT PLEADER)

AND:

1. JAMEELA
AGED ABOUT 36 YEARS
W/O ABDUL HAMEED
R/AT H.NO.1-132,
KAIRANGALA VILLAGE
BANTWAL TALUK,
DAKSHINA KANNDIA.

...RESPONDENT

(RESPONDENT - SERVED)

THIS CRL.P IS FILED U/S.482 CR.P.C BY THE S.P.P. FOR
THE STATE PRAYING THAT THIS HONBLE COURT MAY BE
PLEASED TO SET ASIDE THE ORDER DATED 19.01.2019

Digitally signed
by ANU SHA V
Location: High
Court of
Karnataka



PASSED BY THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
D.K., MANGALURU IN CRL.MISC.NO.57/2019.

THIS CRIMINAL PETITION IS COMING ON FOR
ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS
UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging order dated 19.01.2019 passed by
Principal District and Sessions Judge, Dakshina Kannada in
Crl.Misc.No.57/2019 on an application filed by respondent/
accused for release of vehicle, this petition is filed.

2. Learned High Court Government Pleader for State
submitted that on 13.08.2018 at 9.00 p.m., Police Sub
Inspector, Ullal Police Station, while on a routine checking duty,
intercepted vehicle no.KA-19-AA-6421 proceeding from
Kottayapura, found to be transporting sand without valid permit
and license. Vehicle was seized and proceedings initiated for
violation of provisions of Karnataka Mines and Minerals
Development and Regulation Act, 1957 and Rules framed
thereunder ('Act' & 'Rules' for short). In said proceedings,
accused filed an application for release of vehicle under



Sections 451 and 457 of Code of Criminal Procedure, 1973. Referring to decision of this Court in CRL.P.no.101008/2018 dated 11.06.2018 and amended Rule Section 43(8) of Rules, learned Sessions Judge allowed application by imposing a condition of furnishing security in form of bank guarantee to tune of double value of vehicle to satisfaction of trial Court. Assailing same, present petition was filed.

3. Learned HCGP for State submitted that there were no good grounds for release of vehicle and gravity of offences was not taken note of.

4. Heard learned High Court Government Pleader for State and perused impugned order.

5. At outset it is seen that Rule 43(8) of Rules violation of which the impugned order is alleged to have been passed, has been omitted by Notification NO.CI-115-MMN-2019 dated 30.06.2020, with effect from said date. However, Rule as it stood earlier reads as follows:-



"43.Checkposts and checking of minerals in transit:-

(8) No release of the vehicle which shall however not include the minor mineral so seized shall be made unless there is an execution by the owner thereof, of security in the form of a renewable Bank Guarantee, of an amount equal to double the value of such vehicle, before the Competent Court having jurisdiction to try the offence on account of which the seizure has been made:

Provided that where a report has been made to the Competent Court under sub-rule (7) the seized vehicle shall not be released except under the orders of such Court."

6. A bare perusal of impugned order would indicate that order for release of vehicle was on condition of furnishing security in form of renewable bank guarantee for an amount equal to double value of vehicle, which would be in tune with Rules and decision of this Court in Crl.P.No.101008/2018 disposed of on 11.06.2018.

7. No grounds to interfere. Petition is devoid of merit and stands ***dismissed***.

**Sd/-
(RAVI V HOSMANI)
JUDGE**