



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION No. 3801 OF 2019

BETWEEN:

1. THE STATE OF KARNATAKA,
BY THE DEPUTY DIRECTOR OF
MINES & GEOLOGY,
MANGALURU,
DAKSHINA KANNADA,
REP. BY STATE PUBLIC PROSECUTOR,
BANGALORE-01.
2. THE S.H.O., ULLAL P.S.
MANGALURU, D.K.

...PETITIONERS

(BY SMT. SOWMYA R., HCGP)

AND:

PARASHURAMA THIPPANNA RANGAPUR,
S/O THIPPANNA RANGAPUR,
AGED ABOUT 38 YEARS,
R/AT TALLIKERE,
GORAJNAL POST,
HUNAGUND,
BAGALKOT DISTRICT,
KARNATAKA-587103.

...RESPONDENT

(RESPONDENT SERVED)

THIS CRL.P. IS FILED UNDER SECTION 482 OF CR.P.C (528(BNSS)) BY THE SPP FOR STATE PRAYING TO SETTING ASIDE THE ORDER DATED 08.01.2019 PASSED BY PRINCIPAL DISTRICT AND SESSIONS JUDGE, DAKSHINA KANNADA, MANGALURU IN CRL.MISC.No.1380/2018.

Digitally
signed by
ANUSHA V
Location:
High Court of
Karnataka



THIS 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 08.01.2019 passed by learned Principal District and Sessions Judge, D.K., Mangaluru in Crl.Misc.no.1380/2018 on an application filed by respondent-accused under Section 457 of Code of Criminal Procedure, 1973 (**CrPC**) this petition is filed by State.

2. Learned High Court Government Pleader submitted that on 25.12.2017, Police Sub-Inspector, Ullala Police Station, intercepted Lorry bearing no.AP-27-TT-5379 coming from Thokkottu, Mangaluru and heading towards Kerala State. It was found that lorry was carrying sand without valid permit and licence. As such, lorry was seized and information given to Geologist. On ground of violation of provisions of Mines and Minerals (Development and Regulation) Act, 1957 (**Act**) and Karnataka Minor Mineral Concession Rules, 1994 (**Rules**) proceedings in PCR no.43/2018 were registered. Seeking release of vehicle seized, an application was filed by respondent-accused under Section 457 of CrPC in Crl.Misc.



no.1380/2018. Under impugned order, learned District Judge allowed application. Alleging that same was contrary to Rule 43(8) of Rules, this petition is filed.

3. It was submitted, though Rule 43(8) of Rules provides for release of vehicle, said Rule as it stood on date of seizure read as follows;

"No release of vehicle which shall however not include the minor mineral so seized shall be made unless there is an execution by the owner there of, 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."

4. It was submitted, only condition imposed by learned District Judge, was directing accused to cause production of vehicle as and when summoned and not to use it for similar illegal activities which would be contrary to Rule 43(8) of Rules, which was a special enactment and reference to general procedure under Section 457 of CrPC, was not justified. It was



specifically submitted by learned HCGP that proceedings before trial Court were still pending. On above ground, sought for allowing petition.

5. Heard learned HCGP appearing for petitioner-State. Respondent is served and unrepresented.

6. This petition is by State challenging order passed by learned District Judge under Section 457 of CrPC insofar as non-imposition of appropriate condition for release of vehicle.

7. Seizure of vehicle of accused in relation to offence of violation of provisions of Act and Rules is not in dispute. Filing of application by respondent-accused for release of vehicle is also not in dispute. Under impugned order, learned District Judge has allowed application and directed release of vehicle without imposing conditions as prescribed in Rule 43(8) of Rules.

8. Though an application for release of vehicle is filed under general provisions of CrPC, vehicle having been seized and prosecution having been initiated for offences under Special enactment containing specific provision for release of



vehicle and stipulation of conditions to be imposed therein, passing of order by referring only to provisions of CrPC, would not be justified. There is a similar provision under Karnataka Forest Act, 1965. Hon'ble Supreme Court, in case of ***Section Forester and another v. Mansur Ali Khan*** reported in **2004 (5) Kar.L.J. 466 (SC)** referring to its earlier decision in ***State of Karnataka v. K. Krishnan*** reported in **AIR 2000 SC 2729** has held normally, power to release vehicle should be exercised for good reasons and in exceptional cases and even when so exercised, same cannot be in absence of mandatory conditions. It is held release of seized vehicle during pendency of criminal proceedings, though permissible, should be for good reasons and minimum condition of furnishing bank guarantee as contemplated under Act. Even this Court in ***Sadashiv v. State of Karnataka (Crl.P.no.100011/2019, disposed of on 27.06.2019)***, has held non-imposition of condition to be erroneous. Impugned order being contrary to provisions of Rules and ratio laid down, would warrant interference. However, taking note of fact that vehicle has since been released, instead of remitting matter back to learned District Judge, it is found appropriate to modify impugned order.



9. Hence, petition is ***allowed in-part***. Order dated 08.01.2019 passed by Principal District and Sessions Judge, D.K., Mangaluru in Crl.Misc.no.1380/2018 on application filed by respondent under Section 457 of CrPC, is modified.

Respondent-accused is required to furnish a renewable bank guarantee equal to double value of vehicle as mentioned in seizure panchanama or value assessed or mentioned in surety bond filed by respondent-accused, whichever is higher. Said condition shall be in addition to conditions imposed to be complied within two months from today or within such extended period by learned District Judge.

Sd/-
(RAVI V HOSMANI)
JUDGE

MV
List No.: 1 Sl No.: 14