



CNR: KAHC010162422019

NC: 2026:KHC:47096
CRL.P No. 4169 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 4169 OF 2019

BETWEEN:

THE STATE OF KARNATAKA
BY THE DY. DIRECTOR OF
MINES AND GEOLOGY, DEPT. MANGALORE,
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING,
BANGALORE - 01.

...PETITIONER

(BY SRI. MAHESHA P, HCGP)

AND:

MR. VIJESH C.T,
AGED ABOUT 43 YEARS
S/O SRIDHARAN
R/AT VELUTHANDA HOUSE,
DODDABYARAN ARUKUPE
H.D. KOTE, MYSORE - 571 114.
REPRESENTED BY HIS GPA HOLDER
MR. ABDUL RAHIM A
AGED ABOUT 35 YEARS
S/O ABDUL RAZAK
R/AT MUTHQ MANZIL
KANNUPURA, PERUMBALA
KASARAGOD, KERALA STATE - 671 121.

...RESPONDENT

(RESPONDENT IS SERVED AND UNREPRESENTED)

Digitally
signed by
ANNAPURNA
G
Location: High
Court of
Karnataka



CNR: KAHC010162422019

NC: 2026:KHC:47096
CRL.P No. 4169 of 2019

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO SET ASIDE THE ORDER DATED 29.01.2019 PASSED BY THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, DAKSHINA KANNADA, MANGALURU IN CRL.MISC.NO.111/2019.

THIS PETITION, 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 29.01.2019 passed by Principal District and Sessions Judge, Dakshina Kannada, Mangaluru, in Crl.Misc.no.111/2019, this Petition is filed.

2. Sri Mahesha P., learned HCGP for petitioner-State submitted that for offences punishable under Sections 4(1), 9, 22, 23-C(1)(2) and (g) & 24(1)(e) read with 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 (**Act**), proceedings in P.C.no.127/2018 on file of Ullal Town Police Station were initiated. In said proceedings, vehicle bearing Reg.no.KA-45/5506 was seized and seeking for release of same, an application under Section 457 of Code of Criminal Procedure, 1973 (**Cr.P.C.**) was filed in Crl.Misc.no.111/2019. Impugned order is passed allowing said application. Contending



CNR: KAHC010162422019

that same was without reference to Rule 43(8) of Karnataka Minor Mineral Concession Rules, 1994 (**Rules**), which provides for specific manner of consideration of application for release and contending that as held by Hon'ble Supreme Court in **Section Forester and another v. Mansur Ali Khan** reported in **2004 (5) Kar.L.J. 466 (SC)** under similar provisions under Forest Act, Hon'ble Supreme Court had held power to release vehicle should be exercised under exceptional circumstances and even in such case, cannot be granted except by imposition of conditions mentioned under Special Enactment. It was submitted that Rule 43(8) of Rules stipulated condition of furnishing of Bank Guarantee for double value of vehicle. In instant case, learned Judge had allowed application and ordered release of vehicle on indemnity bond with surety for likesum, which would not be in conformity with Rule 43(8) of Rules.

3. It was further submitted that this Court in **Crl.P.no.3801/2019 [2026:KHC:31770]** had considered similar orders and allowed petitions filed by State and submit that impugned order would be squarely covered by same.



CNR: KAHC010162422019

4. Respondent is served and unrepresented.
5. Heard learned counsel and perused material on record.
6. This petition is by State challenging an order passed on an application for release of vehicle on ground of failure to impose appropriate conditions mandated by Special Enactment/Rules. A perusal of impugned order reveals that vehicle was seized for offences under Act/Rules, which is Special Enactment. As held by Hon'ble Supreme Court in case of **Section Forester** (*supra*), an application for release can be considered only as provided under Special Enactment/Rules, namely Rule 43(8) of Rules, which specifically mandate that vehicle can be released only after furnishing of Bank Guarantee to an amount double value of vehicle. Though on this Court impugned order would require to be set aside, taking note of fact that vehicle in question has already been released and substantial time has lapsed, it is found appropriate to modify same by imposing condition as would bring order in conformity with Rules and ratio laid down by Apex Court.



CNR: KAHC010162422019

NC: 2026:KHC:47096
CRL.P No. 4169 of 2019

7. Accordingly, Petition is **allowed**. Order dated 29.01.2019 passed by Principal District and Sessions Judge, Dakshina Kannada, Mangaluru, in Crl.Misc.no.111/2019 stands modified by adding condition as follows:

Respondent-accused is required to furnish a renewable bank guarantee equal to double value of vehicle as mentioned in seizure panchanama, value assessed or mentioned in surety bond filed by respondent-accused or insured declared value in insurance policy for relevant period whichever is higher. Said condition shall be in addition to conditions imposed and shall be complied within two months of date of receipt of certified copy or within such period as may be extended by learned District Judge.

Sd/-
(RAVI V HOSMANI)
JUDGE