

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.41929 OF 2016

ORDER:

The writ petition is filed by the petitioners seeking a writ of mandamus declaring the proceedings in F.I.R.No.117 of 2016 for an offence under Section 379 IPC and Section 3 of the Prevention of Damage to Public Property Act on the file of the second respondent as illegal and arbitrary, and consequently to quash the same.

Heard and perused the material.

Learned counsel for the petitioners submits that the petitioners are owners of the vehicles bearing Registration Nos.TS 07 UC 1287 and TS 07 UC 1286 - Tractor and Trailer; and AP 24 AR 7997 - JCB, and that the said vehicles were seized in F.I.R.No.117 of 2016, for involving in illegal transportation of ground soil without valid licence. He further submits that the petitioners have not committed the said offences and that they are eking out their livelihood by using the said vehicles only and as such, prays this Court to quash the F.I.R., and release the vehicles.

Considering the facts and circumstances, it is directed that the vehicles bearing Registration Nos.TS 07 UC 1287 and TS 07 UC 1286 - Tractor and Trailer; and AP 24 AR 7997 - JCB, shall be released to the petitioners for interim custody, subject to final orders to be passed in the main case, on first petitioner executing a personal bond for a sum of Rs.4,00,000/- (Rupees four lakhs only) and second petitioner executing a personal bond for a sum of Rs.10,00,000/- (Rupees ten lakhs only) with one surety for a like sum each to the satisfaction of the learned Magistrate concerned, and subject to production of all the documents relating to the vehicle in question. The petitioners shall also give an undertaking not to sell, alter or alienate the said vehicles and produce the same as and when directed by the trial Court. However, this Order does not preclude the authorities concerned from proceeding with the confiscation proceedings.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

02.12.2016
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