

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42589 of 2016

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to quash the proceedings in Crime No.263 of 2016 on the file of Thandur Police Station, Panga Reddy District and consequently, direct the 2nd respondent to release the vehicle of the petitioner.

Heard and perused the material available on record.

Petitioner's vehicle i.e. Lorry bearing No.AP 09 X 3555 was seized by the 2nd respondent on 20.11.2016 on the ground that it was used in transporting sand illegally, and a case in Crime No.263 of 2016 was registered for the offences under Sections 379 IPC and 21 (4) of MMDAR Act.

Learned counsel for the petitioner submitted that without following the due procedure, the 2nd respondent seized the vehicle of the petitioner and that the said vehicle is the only source of income for the petitioner and if the vehicle is kept idle for a long period, there is every possibility of it getting damaged and he is ready to furnish security for release of the vehicle.

Learned Government Pleader for Home objects for the same, since the vehicle is involved in a crime.

Considering these circumstances, the 2nd respondent is directed to release the vehicle i.e. Lorry bearing No.AP 09 X 3555, for interim custody of the petitioner, subject to final orders to be passed in the criminal case, on petitioner executing a personal bond for Rs.1,50,000/-

(Rupees one lakh fifty thousand only) with one surety for the like sum to the satisfaction of 2nd respondent, and also on production of original R.C. book. It is further directed that the petitioner shall not alienate and shall not change the physical features of the vehicle till the disposal of the criminal case and further the petitioner shall undertake to produce the vehicle as and when required by the authorities.

With the above directions, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

December 07, 2016.
KTL

RAJA ELANGO, J



