

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39653 OF 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking to release the vehicle of the petitioner i.e., Lorry bearing registration No.PB-13-AL-7657 seized in Crime No.89 of 2015 on the file of Jainath Police Station, Adilabad District.

2. Heard and perused the material available on record.

3. The petitioner herein is the owner of the aforementioned lorry and running the same on hire in the open market. While so, in the month of May, 2015, respondent No.6 approached her and hired the said lorry on 27.5.2015 to transport bales of empty jute bags to Jammikunta of Telangana State. After loading of the goods, the lorry started from Hissar and entered in Telangana State on 31.5.2015 at about 5:00 A.M. at the check post of Bhoraj in Adilabad District. At the check post, the Commercial Tax Department stopped the lorry and seized the vehicle and later, it was transferred to respondent No.3 and from 1.6.2015 onwards, the said lorry is in the custody of respondent No.3. Respondent No.3 registered the aforementioned case on 27.6.2015 under Sections 409 and 420 I.P.C. and Section 7 of the Essential Commodities Act, 1955 against respondent No.6. The petitioner has nothing to do with the offences alleged.

4. Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and if the vehicle is kept idle for a long period, there is every possibility of it getting damaged.

He further submitted that the petitioner is ready to furnish sufficient surety and also produce the vehicle as and when required by the Court.

5. Learned Assistant Government Pleader for Home objected for the same since the vehicle is involved in a crime.

6. Considering these circumstances, it is directed that the vehicle i.e. Lorry bearing registration No.PB-13-AL-7657 shall be released for interim custody of the petitioner, subject to final orders to be passed in the above crime on petitioner furnishing a personal bond for Rs.1,00,000/- (Rupees one lakh only) with one surety for the like sum to the satisfaction of the Station House Officer, Jainath Police Station, Adilabad District, and also on production of original R.C. book. It is further directed that the petitioner shall not alienate the vehicle, shall not change the physical features of the same till the disposal of the crime and further, the petitioner shall undertake to produce the vehicle as and when required by the Court.

7. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

8. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

17.11.2016
AMD

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Date: 17.11.2016

AMD