

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38731 of 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the 2nd respondent in not releasing the petitioner's vehicle bearing No.AP 29 BR 1579, as illegal and arbitrary and consequently, direct him to release the said vehicle to the petitioner.

Heard and perused the material available on record.

The case in brief is that the petitioner is the owner of a non-transport vehicle i.e. Escort Crane bearing No.AP 29 BR 1579 and he gave it on hire to L & T for the metro rail project work. On 01.11.2016, when the driver is taking reverse, one unsound person ran towards the vehicle and colluded with the same and inspite of best efforts the driver could not control the vehicle, due to which the said person died. After the incident the driver absconded and his whereabouts are not known. The 2nd respondent registered Crime No.216 of 2016 for the offence under Section 304(A) IPC against the driver and seized the vehicle. The petitioner approached the 2nd respondent and requested to release his vehicle. But, the 2nd respondent stated that unless the driver is apprehended, the vehicle would not be released.

Learned counsel for the petitioner submitted that the driver of the vehicle was absconded from the date of occurrence, and his whereabouts are not known, and from the date of seizure, the vehicle is under the control of 2nd respondent, and the 2nd respondent is not producing the same before the Court concerned, and in case the vehicle is kept idle, it would get damaged and the petitioner is ready to furnish sufficient surety.

Considering the facts and circumstances of the case, the petitioner is directed to approach the Court concerned, where the FIR is pending, and file an application for return of the vehicle. On such application being filed, the Court concerned shall consider the same and pass appropriate orders, in accordance with law.

With the above directions, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

November 10, 2016.
KTL

