

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37689 of 2016

ORDER:

The petitioner filed this Writ Petition by invoking the provisions under Article 226 of the Constitution of India, seeking to declare the action of the 2nd respondent in not releasing the petitioner's TATA auto, as illegal and arbitrary, and consequently, direct the respondent authorities to release the vehicle of the petitioner.

Heard and perused the material available on record.

Petitioner's vehicle i.e. TATA Auto bearing No.AP 25 V 6810 was seized by the 2nd respondent on 03.09.2016 on the ground that it was used in transporting PDS Rice and a case in Crime No.120 of 2016 was registered.

Learned counsel for the petitioner submitted that the petitioner purchased the auto by availing financial assistance from a private financier, 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. Auto AP 20 TA 8472, for interim custody of the petitioner, subject to final orders to be passed in the main case, on petitioner executing a personal bond for Rs.40,000/- (Rupees forty thousand only) with one surety for the like sum, 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. However, it is made clear that the present order will not stand in the way of any confiscation proceedings. If already confiscation orders are passed, the order need not be given effect to.

Accordingly, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions pending if any, shall stand closed.

November 03, 2016.
KTL

RAJA ELANGO, J

