

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38788 of 2016

ORDER:

1. This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to quash the proceedings against him in Crime No.519 of 2016 on the file of the 2nd respondent.
2. Heard and perused the material available on record.
3. The goods carriage of the petitioner was seized and the above crime was registered against the petitioner and another on the ground that sand was being transported in the said vehicle. It is the case of the petitioner that he had not given any permission for transportation of sand in his vehicle and he is no way concerned with the above crime. Even though, it is not prayed in the writ petition, at the time of hearing, the learned Counsel for the petitioner submitted that the vehicle of the petitioner was seized and kept in the police station and the vehicle is necessary to the petitioner to eke out his livelihood and therefore, the same may be ordered to be released.
4. The petitioner filed this writ petition challenging the investigation in the above crime. This Court is not inclined to interfere with the investigation in the above crime. However, the official respondents are directed to complete the investigation and file a final report, in accordance with law, without arresting the petitioner. The petitioner is directed to appear before the Station House Officer concerned as and when required. Further, he is directed to execute a personal bond for a sum of Rs.5,000/- (Rupees Five thousand only) with one surety for the like sum to the satisfaction of the Station House Officer concerned, as surety for his future appearance.

5. Further, the 2nd respondent is directed to release the goods carriage of the petitioner bearing No.AP 28 TE 2988 for interim custody of the petitioner on his executing a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) to the satisfaction of the 2nd respondent, subject to final orders to be passed in the above crime and also on production of original RC book. The petitioner is directed to file an affidavit before the 2nd respondent undertaking that he shall not alienate the vehicle, shall not change the physical features of the same till disposal of the above crime and further, he shall produce the vehicle as and when required.

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

Date: 10th November, 2016
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RAJA ELANGO, J

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Date: 10th November, 2016

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