

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37625 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 car, as illegal and arbitrary, 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. Maruthi Swift Dezire Car bearing No.AP 09 CH 2393 was seized from the son of the petitioner by the 2nd respondent on in a Drunk & Drive case.

Learned counsel for the petitioner submitted that vehicle was seized by the police in the above case on 01.10.2016, which was driven by his son, and STC No.6231 of 2016 against his son and a simple imprisonment for ten (10) days was also imposed against his son by the IV Metropolitan Magistrate, (Traffic Mobile Court), Hyderabad, and that the petitioner filed an application before the learned Magistrate for release of the vehicle but he same was returned on the ground that the vehicle was not seized from the possession of the accused. He further submitted that 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 and therefore, the 2nd respondent may be directed to release the vehicle.

Considering these circumstances, the 2nd respondent is directed to release the vehicle i.e. Maruthi Swift Dezire bearing AP 09 CH 2393, for

interim custody of the petitioner executing a personal bond for Rs. 1,00,000/- (Rupees one lakh 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

