

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44212 OF 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS to declare the FIR Crime NO. 59 of 2016 on the file of P.S. Ghatkeshwar, Cyberabad, Ranga Reddy District dated 7-2-2016 and also to declare the action of the respondent No.2 in seizing the Vehicle Mahindra Jeeto Bearing No.TS04GPR 6243 together with 14 bags of rice under a cover of Panchanama dated 7-2-2016 as illegal, arbitrary, violative of Article 19(1)(g) of the Constitution of India and consequently direct the Respondents to release 14 bags of rice along with Vehicle Mahindra Jeeto Bearing No.TS04GPR 6243 seized in Crime No.59 of 2016 on the file of the P.S. Ghatkeshwar, Cyberabad, Ranga Reddy District in favour of 1st petitioner and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

2. Heard and perused the material available on record.
3. After arguing for sometime, learned counsel for the petitioners confined his arguments only to the extent of releasing the aforementioned vehicle and submitted that petitioner No.1 is the owner of the said vehicle and if the vehicle is kept idle for a long period, there is every possibility of it getting damaged. He further submitted that petitioner No.1 is ready to furnish sufficient surety and also produce the vehicle as and when required by the Court.
4. Learned Assistant Government Pleader for Home objected for the same since the vehicle is involved in a crime.

5. Considering these circumstances, it is directed that the vehicle i.e. Mahindra Jeeto bearing registration No.TS04GPR 6243 shall be released for interim custody of petitioner No.1, subject to final orders to be passed in the above crime on petitioner No.1 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, Ghatkeshwar Police Station, Cyberabad, Ranga Reddy District, and also on production of original R.C. book. It is further directed that petitioner No.1 shall not alienate the vehicle, shall not change the physical features of the same till the disposal of the crime and further, petitioner No.1 shall undertake to produce the vehicle as and when required by the Court.

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

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

JUSTICE RAJA ELANGO

20.12.2016
AMD

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Date: 20.12.2016

AMD