

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.42923 OF 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking to declare the action of the respondents in not taking action including departmental action against respondent No.5 for his wilful violation of the provisions of A.P. Prohibition Act, 1995 thereby, harassing and causing loss to the petitioner with his high handed actions as illegal and arbitrary and consequently, direct respondent No.3 to take action against respondent No.5 after causing an enquiry on the representation, dated 18.11.2016, of the petitioner.

2. Heard and perused the material available on record.
3. Case of the petitioner is that he is the owner of an auto bearing No.AP 20 TA 0588; that on 1.11.2016, while he was running the said auto from Chintoor to V.R.Puram and reached Pdamattapalli Village outskirts, respondent No.4 checked the vehicle and registered Crime No.22 of 2016 under Section 7 (A) read with 8(b) of the A.P. Prohibition Act, 1995 against two women passengers travelling in the said auto and the petitioner by showing him as accused No.3; that respondent No.4 seized the vehicle and misbehaved with him; that respondent No.4 kept the vehicle in the police station and though he filed a petition before the Magistrate concerned for release of the vehicle, it was returned on the ground of jurisdiction; that he made a representation on 18.11.2016 to respondent No.3 for taking necessary action against respondent No.4, but in vain.

4. Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and if the vehicle is kept idle for a long period, there is every possibility of it getting damaged. He further submitted that the petitioner is ready to furnish sufficient surety and also produce the vehicle as and when required by the Court.

5. Learned Assistant Government Pleader for Home objected for the same since the vehicle is involved in a crime.

6. Considering these circumstances, it is directed that the vehicle i.e. auto bearing registration No.AP 20 TA 0588 shall be released for interim custody of the petitioner, subject to final orders to be passed in the above crime on petitioner furnishing a personal bond for Rs.1,00,000/- (Rupees one lakh only) with one surety for the like sum to the satisfaction of respondent No.4, and also on production of original R.C. book. It is further directed that the petitioner shall not alienate the vehicle, shall not change the physical features of the same till the disposal of the crime and further, the petitioner shall undertake to produce the vehicle as and when required by the Court.

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

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

JUSTICE RAJA ELANGO

14.12.2016
AMD

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Date: 14.12.2016

AMD