

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5079 of 2016

DATED 17TH FEBRUARY, 2016

BETWEEN

M.Ashok Kumar

...Petitioner

And

The State of Telangana, rep. by its Principal Secretary,
Civil Supplies Department, Secretariat, Hyderabad and ors.

..Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5079 of 2016.

ORDER:

Petitioners' grievance is that his vehicle has been seized by the second respondent on the ground that he is involved in Crime No.19 of 2016 under Section 406 and 420 IPC and Section 7 of the Essential Commodities Act, 1955 (for short 'the Act').

2. Counsel for the petitioner contends that the vehicle would get damaged if it is left unused in the custody of the second respondent pending proceedings under Section 6A of the Act or the criminal case.

3. The Government Pleader for Civil Supplies appearing for respondents states that the vehicle may be directed to be released subject to the petitioner furnishing bank guarantees for the value of vehicle as assessed by the Motor Vehicle Inspector

concerned; keeping the said bank guarantee alive during the pendency of the said proceedings; and the petitioner not alienating or encumbering the said vehicle pending proceedings and undertaking to produce the same as and when required in the said proceedings.

4. In view of the said submission, this Writ Petition is disposed of directing the second respondent to release the vehicle i.e., DCM van bearing No.KA 40.4806 to the petitioner subject to his producing documents in proof of ownership of the said vehicle; giving a bank guarantee for the value of the said vehicle as assessed by the Motor Vehicle Inspector concerned; and keeping the said bank guarantee alive during the pendency of the proceedings under Section 6A of the Act or the criminal case against the alleged offences. Petitioner shall also not alienate or encumber the vehicle pending the said 6A proceedings and shall also give an undertaking to produce the same as and when required in the above proceedings. There shall be no order as to costs.

5. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE CHALLA KODANDA RAM

DATED 17TH February, 2016.
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