

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43929 of 2016

ORDER:

This writ petition is filed seeking to declare the action of the 2nd respondent in seeking to arrest the petitioner in Crime No.111 of 2016, as illegal and arbitrary and consequently direct the 2nd respondent not to arrest the petitioner.

Heard and perused the material available on record.

The case of the petitioner is that the petitioner is the owner of the tractor and trailer Model Swaraj 735 FE made by Mahindra & Mahindra Ltd., bearing Tractor No.TS 02 UA 8113 and Trailer No.TS 02 UA 8114 and that the said tractor and trailer was given to one Katherapak Naresh, who is A-2 in the above said crime, who along with A-1, committed theft of sand from Kodurupaka Moola Vagu with an intention of selling the same at Garshakurthi Village at high price by loading the sand in the above said tractor and trailer. The 2nd respondent seized the said vehicle on 10.11.2016. The main grievance of the petitioner is that since the petitioner is the owner of the said vehicle, the 2nd respondent is trying to implicate him for the said crime and seeking to arrest the petitioner.

Considering the grievance of the petitioner, if any crime is registered against the petitioner in Crime No.111 of 2016, the 2nd respondent is directed to complete the investigation in Crime No.111 of 2016 as expeditiously as possible and file a final report, if any, either way in accordance with law, without arresting the petitioner. The petitioner is directed to execute a personal bond for a sum of Rs.5,000/- (Rupees five thousand only) with one surety to

the satisfaction of the 2nd respondent as surety for his future appearance for the purpose of investigation.

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

RAJA ELANGO, J

Date: 16th December, 2016

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