

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.195 OF 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking to declare the action of the 2nd respondent in seizing the petitioner's vehicle Tractor and Trailer bearing No.AP-23-AH-1652 and AP-23-X-6134 respectively, as arbitrary and illegal and consequently, to direct the 2nd respondent to release the said vehicle by collecting penalty as per the Rules.

2. Heard and perused the material available on record.

3. The petitioner herein is the owner of the aforementioned Tractor and Trailer. On 01.12.2016 when the petitioner was proceeding with load of sand, the same was stopped by the 2nd respondent and seized the vehicle on the ground that the petitioner is transporting the sand illegally without any transit pass and registered a case in Crime No.105 of 2016 for the offence punishable under Section 379 IPC though the petitioner stated that the sand is not meant for selling and it is for local house construction.

4. Learned counsel for the petitioner submits 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. The petitioner also filed representation to release the vehicle by collecting the penalty, but the same is not disposed of till date.

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. Tractor and Trailer bearing No.AP-23-AH-1652 and AP-23-X-6134 respectively 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.3,00,000/- (Rupees three lakhs only) with one surety for the like sum to the satisfaction of the Station House Officer, Konaraopet Police Station, Rajanna, Siricilla District, 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

03.01.2017
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Date: 03.01.2017

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