

THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL No.1272 OF 2016

JUDGMENT: (Per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)

This Writ Appeal is filed by the tenth respondent in the writ petition. It is a Banker.

2. We have heard the learned standing counsel for the appellant, the learned counsel for the contesting writ petitioners, the learned Government Pleader for Home (TG) and the learned Government Pleader for Transport (TG).

3. The appellant Banker provided financial support to a person to purchase a vehicle. According to the Banker, the vehicle which is now possessed by the first writ petitioner is the one purchased utilizing such funds. The writ petition was filed pleading that the vehicle was purchased by the first petitioner and that it is now in his possession. He is the registered owner. No hypothecation is endorsed on the Registration Certificate. We are not going into the details to the transactions in view of the fact that a crime has been registered and investigation is on.

4. The fact of the matter remains that, as rightly noted by the learned single Judge, *in presenti*, there is no material to conclusively hold that the vehicle in the possession of the first writ petitioner is the one for which finances were provided for by the appellant Banker. However, we need to protect the interest of public funds, which are also dealt with by the appellant,

which is a Banker. The criminal case, which is under the investigation, has also to reach its logical end.

5. Taking all the attendant facts and circumstances into consideration, we order this Writ Appeal modifying the interlocutory order issued by the learned single Judge and directing that the same will hold good if the writ petitioners execute personal bonds for a sum of Rs.15,00,000/- (Rupees fifteen lakhs only) to the satisfaction of the III Additional Chief Metropolitan Magistrate, Hyderabad, which bonds will continue to be maintained till the final disposal of the aforementioned crime case by any mode known to law. We clarify that all other reliefs sought for in the writ petition are left intact for consideration by the learned single Judge in the writ petition.

The Writ Appeal is ordered accordingly. Miscellaneous petitions pending, if any, shall stand closed. No costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

RAMESH RANGANATHAN, J

12.07.2018
Pln/vs