

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 2169 of 2019**

Immamuddin Ansari, son of Islam Ansari, aged about :
 45 years, R/o. Village : Ranpur Khurd, Near by Takiya
 Mazar, Tahsil : Ambikapur, District : Surguja (C.G.)

-----Petitioner/revisioner**Versus**

State of Chhattisgarh, through : Police Station : City
 Kotwali, Ambikapur, District Surguja (C.G.)

----- Respondent

For Petitioner	: Mr. Pushendra Kumar Patel, Adv.
For Respondent/State	: Mr. Ravi Bhagat, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****20/12/2019**

(1) The petitioner is registered owner of the seized vehicle Honda Shine Motorcycle bearing registration No. CG 15 D.B. 8497 (henceforth "vehicle"). The said vehicle was found involved in commission of offence punishable under Sections 279, 337 & 338 of the Indian Penal Code and Sections 146 & 196 of the Motor Vehicles Act, 1988. The petitioner was tried and ultimately acquitted of the aforesaid charges but as the vehicle was found involved in incident, he was granted interim custody of the said vehicle by order 24.10.2018 subject to furnishing bond of Rs.50,000/- and estimated compensation of Rs.1,00,000/- to be paid to the injured claimant, which he did not deposit

and ultimately he was acquitted by the trial Magistrate and upon acquittal, the petitioner filed fresh application under Section 452 of the Cr.P.C. for supurdnama of the aforesaid vehicle stating that he is registered owner of the alleged vehicle and he was also acquitted of the aforesaid charges by judgment dated 30.07.2019. The trial Court by its order dated 16.08.2019, rejected the application for supurdnama holding that the petitioner has not complied with the condition of supurdnama as mentioned in the order dated 24.10.2018. The petitioner preferred criminal revision there-against, which was also dismissed by the impugned order, against which, instant petition under Section 482 of the Cr.P.C. has been preferred.

(2) Learned counsel appearing for the petitioner would submit that since the petitioner has already been acquitted by the trial Magistrate by its order dated 30.07.2019, therefore, he cannot be burdened with the condition of depositing Rs.1,00,000/- cash towards estimated compensation to be paid to the injured/claimant and, therefore, the impugned order is liable to be set aside.

(3) On the other hand, learned counsel for the State would submit that impugned order is in accordance with Rule 240-A (1) of the Chhattisgarh Motor Vehicles Rules, 1994 (henceforth "Rules, 1994"), which does not call for any interference.

(4) I have heard learned counsel appearing for the parties and considered their rival submissions made hereinabove and went through the record with utmost circumspection.

(5) Rule 240-A (1) of the Chhattisgarh Motor Vehicles Rules, 1994 states as under :-

"240-A. Prohibition on release of motor vehicle causing accident -

(1) No Court shall release a motor vehicle causing an accident resulting in death or bodily injury or damage to property, if such vehicle is not covered by a policy of insurance against third party risks or if the registered owner fails to furnish copy of such insurance policy despite demand by investigating police officer, unless and until the registered owner furnishes sufficient security to the satisfaction of the Court, to pay compensation that is likely to be awarded in a claim case arising out of such accident."

(6) In the instant case, petitioner's vehicle bearing registration No. C.G.-15-D.B.-8497 was not insured on the date of accident i.e. 16.09.2018 and insurance of the said vehicle had expired on 20.01.2018.

(7) The petitioner made application for interim custody of the vehicle bearing registration No. CG 15 D.B.8497, which was granted by the trial Magistrate on 24.10.2018 subject to furnishing bond of Rs.50,000/- and estimated compensation of Rs.1,00,000/- to be paid to the

injured/claimant, which he has failed to deposit and ultimately he was acquitted and, thereafter he made application for supurdnama of the aforesaid vehicle, in which, the trial Magistrate has now again passed an order directing the compliance of the conditions as mentioned in the order dated 24.10.2018.

(8) As noticed hereinabove, the vehicle was admittedly not insured on the date of incident, as such, in compliance with the proviso to Rule 240-A of the Rules, 1994, the Criminal Court has directed to deposit Rs.1,00,000/- to compensate bodily injury suffered by the victim of the incident, which cannot be said to be on higher side or warranting interference under Section 482 of the Code of Criminal Procedure, 1973.

(9) Accordingly, the petition, being devoid of substance, is liable to be and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-